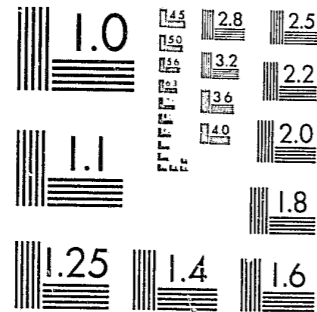


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AN EXAMINATION OF THE WITNESS SECURITY PROGRAM
AND ITS PARTICIPANTS

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AN EXAMINATION OF THE WITNESS SECURITY PROGRAM AND ITS PARTICIPANTS

I. INTRODUCTION

Law enforcement efforts against organized crime activities have often been frustrated by the paucity of first-hand witnesses willing to provide information to authorities and testify in court against former criminal associates. The Federal Witness Protection Program, frequently characterized by enforcement officials as one of the most effective tools in the fight against organized crime, is designed to protect and, if necessary, relocate those persons who have testified on behalf of the government. The Program's history, however, has been marked by considerable controversy.

Inquiries into the Federal Witness Protection Program have frequently ignored or short-circuited the measured analysis critical to an objective review of the many complex issues facing the Program and witnesses.¹ This may be a result of the complicated task of systematically protecting organized crime witnesses from the determined efforts of those testified against to pursue witnesses who have provided testimony or who contemplate doing so. Essential to these issues are studies which explore the factors that propel witnesses to seek and secure governmental protection, and which highlight the sometimes difficult readjustments required of witnesses.

This paper describes a research effort which examines the utility of adopting a psychological perspective in studying those organized

criminals who, in seeking to break from the pattern of criminal activities, face new dilemmas in cooperating with the Federal government and thereby confront a difficult adjustment to new surroundings and circumstances. Questions of particular interest to officials of the Witness Protection Program and other law enforcement personnel include the following:

- (a) Are there identifiable factors which motivate persons to enter organized crime career paths, and later to defect from those groups or activities? What tactics are successful in inducing and ensuring persistent cooperation?
- (b) Are there psychological traits, personality characteristics, or behaviors common to those who choose to become protected witnesses? Are these attributes specifically related to the organized crime group affiliation, criminal activity, or to other useful predictors which might help predict future defectors?
- (c) What psychological techniques do protected witnesses use to cope with the dilemmas and risks that they face? Can successful adjustment to relocation, (or prison) be predicted?
- (d) What data might be useful to Program officials in setting policies which meet the needs and behaviors of witnesses and which result in successful development of organized crime cases?

These and other questions will be addressed in this research report on protected witnesses which explores the implications of using such individuals in organized crime control programs. The term "protected witness" encompasses two groups: those relocated in communities, and those presently incarcerated either in special custody units or in the general prison population. This research efforts addresses the prisoner-protected witness, although much of the discussion is relevant to those currently relocated. While the focus of the paper is primarily upon a Federal program, the research results are appropriate for those officials who deal with protected witnesses at state and local levels as well.

Because the above discussion only hints at the complex issues facing Program officials who handle such witnesses, and touches briefly on the adjustments required of protected witnesses, the issues may be brought into sharper focus through the presentation of a case example.

A. A Detailed Case Description

Mr. S. is a 40-year old, college-educated white male who was raised in an upper-middle class family of seven. He is adopted and the youngest of the five children, and is not particularly close to any of his siblings. His mother died in 1978 and his father five years earlier. Mr. S. has been married only once, in 1966, lasting only one year. Since that time, he has entered into numerous romantic involvements with quite wealthy widows. There is a history of alcohol abuse; psychological tests conducted recently show Mr. S. to be confident, intelligent, somewhat of a non-conformist, but with no significant signs of psychopathology.

His criminal history indicates that at age 17, while working in a movie theater, he took wallets of patrons and removed the identification and cards, allegedly for the purpose of obtaining entry into bars. He contends that his arrest was arranged by the father of a young girl with whom he was living because the father disapproved of their relationship. Probation was granted on the condition that defendant undergo psychiatric counseling; witness never met this condition. Mr. S. has an extensive record of 18 arrests and 11 adult convictions for assault, fraud, theft, and interstate transportation of stolen property. His record reveals a pattern of credit card fraud and abuse, suggesting the early development of a criminal speciality.

Involvement with the Federal Witness Protection Program dates to 1977, when he was arrested on Mail Fraud charges. An Indictment charged Mr. S. and several co-conspirators with devising and carrying out a scheme to file fraudulent and false credit applications at casinos and hotels. This group attempted to negotiate stolen travelers checks and forged and counterfeit securities, stolen from an interstate and foreign shipment of freight, once the fraudulent credit application had been established.

Facing several counts, Mr. S. was permitted to plead guilty under an agreement securing his cooperation with U.S. Attorneys. A prison sentence of two years was suspended, and Mr. S. was placed on probation and into the Protection Program. Cooperation centered on testimony against four of the twelve co-conspirators, each of whom was subsequently convicted on the basis of his testimony. Mr. S. has described the group as a collection of 11 business associates, all with unique talents and each needing the skills of the others. One of the members is an older person whom the witness respects highly. Protection and relocation were necessary because of the pattern of violence in crimes committed by the other defendants, two of whom are associated with La Cosa Nostra.

While relocated, this witness violated the conditions of the Program and his agreement to cooperate and testify; he engaged in further criminal use of credit cards and is believed to have re-established associations with former criminal partners, resulting in his refusal to testify against one of those defendants.

It is instructive to quote from the witness' version of these events:

[It is] ... one of the strangest anomalies that I've ever had in my life. I had a very difficult childhood emotionally and have done many reckless things which have had a way of snowballing into more serious ones...I have a marked proclivity for 'larks' and 'adventures'...I do have enough of a conscience to know what a severe disappointment I was to both of my late parents...[but] I don't believe the core is basically bad or unredeemable. I sincerely want to change.

I surely did not have bad goals when I arrived in [relocated city]...My intentions were decent and honorable - not only to my own personal life but my obligations to the Government. There I was, literally 'dropped' into the middle of a city which nothing previously in my life had prepared me for culturally...[I] knew no one...was nervous and deeply concerned because of the irrevocable decision I'd made...all of a sudden, I'm a 'marked' man - a threat to other people whom I've been told have very dangerous backgrounds - and on top of all that psychology at work - I'm somehow to start a new life. New name. New Life. New identity. I am told that it will be sometime before there is any actual documentation to back up the new name.. I am given \$813.00 a month to exist on ...I am not to call anyone from 'the past' as it might traced. I am trying to get my bearings in this city I know less than nothing of - and WHAM! My dear mother dies. I am told that it is best that I don't go to her funeral. They will take no responsibility for me if I persist in going.

After several months the witness reports mounting frustration and the lack of feeling in control.

I started drinking again. Heavily. There was just no winning it seemed. It was in this [castastrophic] period, with myself out of emotional control, eaten alive with frustration (I wanted to do the right thing) - that I started using (deleted) credit card illegally. [This was] a totally ridiculous and indefensible act - no doubt in mind that it was subconsciously self-destructively motivated...I'd been almost non-stop drinking for about six weeks. The card was sitting there and I started to use it.

I always knew and acknowledged that I was totally responsible and was going to make it good... I am and have been sincerely sorry that I caused him so much trouble [the person whose card was stolen] even though there was no intent to defraud him...[he was] never out any money - not so much as one dime - the 'injured party' turned out to be American Express.

B. Purpose and Organization of Report

The case of Mr. S. highlights several issues, which can be reduced to three basic areas, each of which is addressed in this report. They are: (1) An overview of the Witness Protection Program's operating policies, and the discussion of a research effort exploring the implications of these policies for program participants, (2) the collection, analysis and discussion of interview, file, and personality-trait data obtained from a sample of prisoner-protected witnesses, and (3) an exploration of the ways in which psychological interpretations of such data may assist investigators and prosecutors charged with organized crime control.

Regarding the first area, the effort to measure the effectiveness of any organized crime enforcement effort is a unique problem, one that is generally not resolvable by traditional counts of arrests made, indictments secured, or defendants imprisoned (Maltz, 1983). The Federal Witness Protection Program and its systematic protection of witnesses poses these measurement difficulties, but presents additional problems. The need for secrecy in protecting organized criminals has often hampered assessment attempts. Consequently, the prior examinations and analyses vary considerably in the quality of research and in the specific area of the Program being addressed. Although this diversity makes it especially difficult to compare the studies, this section of the paper will review those studies.

The second and third areas dealt with in this paper are the collection of empirical data, and the application of psychological interpretations to those findings. Law enforcement faces very difficult problems in securing and handling organized crime witnesses. Reduced to

fundamental terms, interactions between witness and enforcement officials fall within the general study of human behavior and attitudes, and as such, are amenable to social psychological analysis and interpretation. Although these theories and concepts have been applied to many legal topics and have addressed general studies of the criminal justice system², less attention has been given to applying psychological notions to the traits and motivations of non-traditional offenders.³ This report will explore the ways in which social psychological analyses are valuable to the study of organized crime witnesses, and will enumerate the methodological obstacles confronted and overcome in the study directed toward these areas. This paper is intended primarily for a law enforcement audience. The study reported here employs various research methods and statistical analyses. The main text contains only discussion of these procedures needed to understand the substantive points being made; a more detail presentation of the research approach, survey questionnaire development, methodological obstacles and statistical analyses of the data are contained in Appendices.

II. POLICIES AND OBJECTIVES OF THE WITNESS PROTECTION PROGRAM

A. History and Development

Throughout the history of organized crime in this country and in Europe, criminal confederations have attempted to stifle informants and witnesses who have either discussed inside information with authorities or who contemplate doing so. Law enforcement authorities, responding to the reality of organized crime retaliation, have been forced to protect witnesses when employing them in organized crime prosecutions. Law enforcement techniques to keep witnesses from harm were launched by threats against those who have "turned." For example, two former employees of Al Capone provided testimony to authorities and subsequently had to be hidden to avoid possible retaliation by Capone's associates. The origins of the formal Protection Program can be traced to Joseph Valachi's revelations about the nature and structure of organized crime, and the efforts by then-Attorney General Robert Kennedy to protect Valachi. With Robert Kennedy in the Department of Justice, organized crime emerged as an enforcement priority, and the demands for witness protection quickly increased. To accomplish "...the protection of witnesses desiring such assistance during the pendency of organized crime litigation,"⁴ the President's 1967 Task Force on Organized Crime urged that residential facilities be instituted. The Organized Crime Control Act of 1970 formalized these protective arrangements, and provided resources for ensuring the health, safety, and welfare of witnesses. Organized crime law enforcement realized the value of witnesses, and the numbers of those requiring and receiving protection

increased from 92 in 1971 to 469 by 1978. Since 1979, the rate of new admissions has dropped, and in 1981, the figure was 260.⁵ Testimony in recent Senate hearings indicates that "...about 3500 witnesses and about 8000 of their dependents [are] participating in the security program."⁶

As the statistics reveal, there has been little hesitation in enlisting the aid of criminal witnesses in organized crime prosecutions. The Program's harshest critics, in fact, maintain that witness protection is one of the most effective tools available to organized crime law enforcement efforts. What is interesting to note historically, however, is that the evolution of formal protective procedures was not accompanied by extensive Congressional and Executive review. Thus, crucial questions were neither raised nor confronted until the first oversight hearings in 1978. Such hearings were required in the face of the Program's unanticipated growth and its increasing reliance on a variety of agencies whose responsibilities required coordination with the Program's organized crime enforcement efforts, and with its provision of protection, security, relocation, and new identities for witnesses. These agencies and their roles are briefly described in the next section.

B. Current Program Operation

The essential functions of the Witness Protection Program are shared between the Office of Enforcement Operations⁷ (Criminal Division, Department of Justice), which receives recommendations for potential witnesses and makes the final eligibility determination, and the U.S. Marshals Service, which administers the program. Other

major agencies involved include Federal Bureau of Prisons, Federal Probation, the U.S. Parole Commission and various investigative agencies.

Office of Enforcement Operations (OEO)

The eligibility assessment considers several factors, including an examination of the importance of the organized crime activity about which the potential witness is knowledgeable, likely defendants, and the existence of evidence that the life of the potential witness or his family members is in jeopardy. Threat assessments evaluate the organization's propensity for violence and retaliation,⁸ and usually follow the referral to the Office of Enforcement Operations by the sponsoring prosecutor. Most of these are U.S. Attorneys, Strike Force attorneys, or state District Attorneys.

Witnesses who are accepted into the Program vary considerably in organized crime group affiliation, the degree of their involvement with criminal activities, and their motivation for providing information to the government. Currently, protected witnesses represent traditional crime families (La Cosa Nostra), emerging criminal organizations (e.g., biker groups), prison gangs (e.g., La Nuestra Familia), and white-collar crime enterprises or politically-motivated criminal syndicates. The types of protected witnesses range from those with intimate knowledge of criminal operations to those who are inadvertently present during the planning or commission of an organized crime. Protected witnesses with close ties to organized crime are typified by contract killers, labor racketeers, or individuals heading narcotics enterprises. "Second-tier" witnesses who may require protection following a forced or voluntary

decision to cease cooperating with organized crime individuals include public officials and legitimate businessmen.

The variety in the degree of connection with organized crime is paralleled by the great variety of reasons why witnesses provide information and/or testify on the government's behalf. The driving force may be the possibility of reduced sentences for incarcerated witnesses, imminent physical danger, a desire to seek revenge, or increasing age, family pressures, or a growing sense of disenchantment; many witnesses also seek protection for a combination of these motivations.

U.S. Marshals Service

The Marshals' involvement with the Program dates from 1968, as a result of the government's decreased reliance on safehouses and the increased use of temporary and permanent relocations of witnesses from the "danger area."⁹ Presently, the Witness Security Division (WITSEC) maintains primary responsibility for all non-prisoner witness protection, relocation, credible documentation, and employment assistance. The Division is comprised of Operations, which oversees security matters, and Administration, which supervises documentation and relocation activities. Case managers and WITSEC specialists coordinate the security and relocation functions of the Division; they also interview witnesses, describe the Program's services, and secure signatures on the Memorandum of Understanding, the document which lays the ground work for services to be provided.

U.S. Marshals also perform the most publicized aspect of witness protection--the relocation of those who can no longer remain in a geographic area because organized crime might retaliate. The relocation

site is determined by considering security, job availability, witness preference, and the ease of blending into the community and the sized of Marshals caseloads.¹⁰ If necessary, documentation in the form of legal name change, driver's license, social security card, and other very limited background records are created to support the witness' new identity, but in no way do they enhance a witness' status. For example, those with seventh-grade educations are not elevated to college-educated status. These records are necessary for building credible backgrounds in a most limited way. Witnesses, are expected to find employment within 60 days, however, they often have very limited legitimate employment skills. Subsistence payments, determined according to Bureau of Labor statistics and adjusted periodically, are designed to ease the adjustment process. On the average, it currently takes 13 months to find witnesses employment.

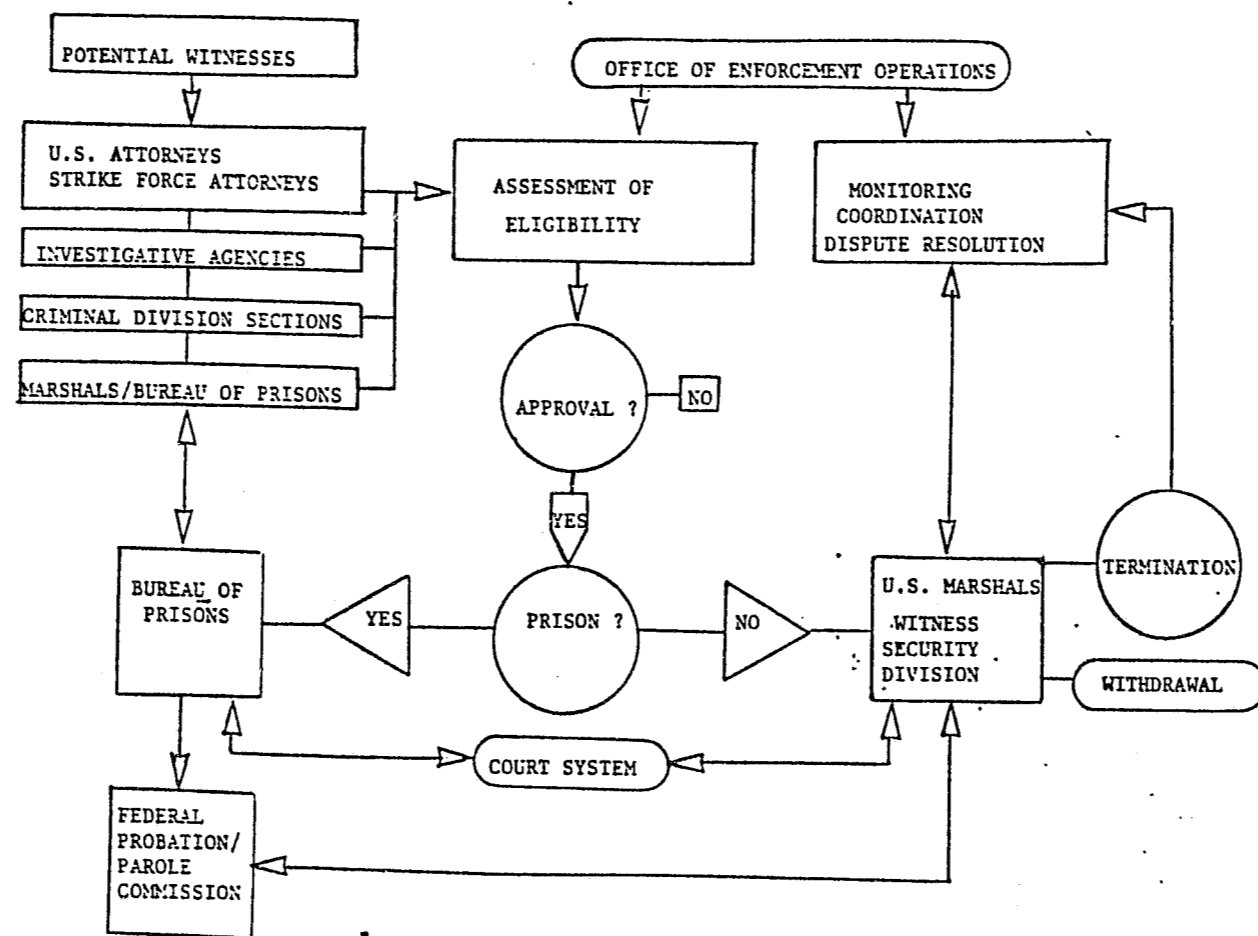
Bureau of Prisons

The need to protect organized crime witnesses adds substantially to the traditional responsibility of the Bureau of Prisons in monitoring prisoners who may pose threats to incarcerated witnesses who have testified in trials. In 1980, this translated to the Bureau's supervision of 250 protected-prisoner witnesses. Over 40% are now prisoner-witnesses; in November 1983 the figure approached 50%. The number of prisoner-witnesses has dramatically increased since 1980, and the Bureau is opening new units to meet this influx. The Inmate Monitoring Section, in close coordination with the Office of Enforcement Operations, carries out a variety of related functions, such as assessing internal and external threats to prisoner-witnesses, placing prisoners in institutions, providing security, and resolving the

logistical problems of transfers, court appearances, and family visitations. The population of prisoner-witnesses is divided among regular institutions, state and local institutions, and protective custody units within Federal Institutions. The units are quite secure, but life inside them may be very restrictive. For example, the possibility that attempts may be made to poison the food produces an elaborate security procedure. Another example deals with the inability of witnesses in some institutions to exercise because of fears that witnesses may be targets of assassins. At one point in time witnesses took vitamins to compensate for the fact that they rarely saw sunlight. The Bureau seeks to ease these unpleasant conditions by constructing new, less-restrictive units, and where possible, by placing all eligible witnesses into the general prison population under concealed identities. Presently, more than 325-prisoner-witnesses live in the general prison population under this arrangement. All prisoner-witnesses are candidates for relocation upon their release.

Federal Probation/U.S. Parole Commission

On August 16, 1978 the Federal Probation System acquired the responsibility for supervising all protected witnesses placed on Federal probation. Three years later, on December 1, 1981, the Parole Commission undertook supervision of WITSEC offenders.¹² These policies resulted in approximately 250 probation and 150 parole cases, although the tracking of those who pose threats to WITSEC individuals in districts under supervision adds to this burden, and requires coordination with all the agencies discussed above. This information exchange is crucially necessary for threat assessment, identifying of danger areas, and conveying newly created documentation and movement



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Figure 1. Flow Chart of the Agencies Responsible for the Witness Protection Program.

plans. This coordination of these various agencies is depicted in Figure 1.

Insert Figure 1 here

III. REVIEW OF PRIOR EVALUATIONS OF THE WITNESS PROTECTION PROGRAM

The unique nature of the Program has prompted close scrutiny, but rarely have prior assessments relied on empirical research methods or data. The examinations that have been conducted have frequently been in response to public outcry, and consequently, have been carried out hurriedly. While the general problems confronting the organized crime researcher have been enumerated by Cressey (1967) and Anderson (1971), as will become apparent there are special research obstacles accounting for an absence of research on this topic. An informed review and critique of evaluations will be facilitated by a brief discussion of the various reasons for the scarcity of research into this significant area.

A. Reasons for Absence of Research into the Program

One central explanation for a paucity of research studies in this area resembles an earlier discussion by Sutherland (1940) with regard to the lack of scholarly attention given to white-collar crime. As with white-collar crime, the preoccupation with traditional crime research and funding has pushed work on organized crime to the background.¹³

A second explanation for this scarcity of research centers on the reality that all prosecutions, including organized crime, focus on legal facts directly related to the case; intelligence-oriented information may be perceived to have a distant or non-existent payoff, and thus, may be relegated to a lower enforcement priority. Consequently, upon completing cases in which protected witnesses have testified, law enforcement turns its attention more to the trial's result than to the

circumstances or persons leading to that outcome. This practice is reinforced by the traditional method of measuring law enforcement's progress against organized crime, which is typically merely a count of the number of cases made (See Maltz, 1983). When organized crime defendants are successfully convicted, it is unnecessary to analyze the reasons for success. When indictments are not produced, or when testimony fails to bring about guilty verdicts, a careful examination of the weaknesses in the prosecution's case usually focuses on personality factors (prosecutor, judge, jury) or evidentiary or tactical flaws. Whether the case is won or lost, systematic assessments of witness traits and behavior are rarely undertaken.

A third explanation for a general absence of research on protected witnesses may stem from well-entrenched stereotypes about "government witnesses," particularly those participating in organized crime prosecutions. The jargon used to describe these witnesses often obscures the process which led to the witness' providing vital information. For example, characterizations of witnesses as having been "turned," or "flipped," imply that witnesses are passive subjects of persuasive tactics by law enforcement, or that such individuals are merely objects; the subtle, complicated sequence of events leading to a witness' cooperation is often lost or simply perceived to be not particularly relevant. Furthermore, these terms are euphemisms that are used to hide a process often found distasteful. "Turning" implies that the witness has betrayed associates or friends and has a high susceptibility to persuasion. In addition, it undermines the validity of the information to the government and the credibility of the witness during trial testimony. The difficulties and unpleasantness associated

with those who agree to testify against their former friends and "colleagues" has deterred many researchers from pursuing the topic.

Finally, the difficulties in data access and in securing witness-subjects for study has contributed to the lack of research. Because there have been no joint law enforcement-social science empirical studies of this topic, those initiating a program of research are in uncharted territory. Just as the handling of organized crime witnesses calls for unique measures, the study of these individuals requires methods specifically tailored to the subject matter. Research in this area cannot be undertaken by simply extrapolating the findings from traditional psychological or criminological studies which the researcher deems to be relevant, and applying them to persons under the Witness Protection Program.

B. Analysis of Reviews of the Witness Protection Program

In addition to extensive attention by the news media and other writers¹⁴ to various facets of the Program, information about protected witnesses has emerged essentially as a by-product of four Senate hearings in 1978, 1980, 1981, and 1983. For some of these hearings, data were collected and reported by the Witness Security Program Review Committee.¹⁵ The three surveys of witnesses and officials carried out by the Review Committee will be briefly reviewed.

The first study was a mail survey sent to approximately every tenth witness to enter the relocation program between March 1972 and June 1977. Of the 200 protected witnesses selected, 16% returned completed questionnaires. The Review Committee also conducted hearings and

interviews with program officials, Marshals, FBI and DEA agents, examined file data on the witnesses interviewed, and reviewed prior audits, reports, and memoranda.¹⁶ The substantive findings led to 28 recommendations in the major areas of admission standards and procedures, program services, administrative practices, and program costs and benefits.

Admissions

The Committee noted an influx of witnesses sponsored for protection. Problems which occurred as a result of rapid and sizable growth since 1971 included the absence of a central monitoring system in the admissions process, and a heavy reliance on the emergency entry provision to admit witnesses pending detailed assessment of the threat posed to them.

Program Services

Interviews and witness questionnaires probed the areas of physical security, financial assistance, employment assistance, and the provision of documentation. File information to support threats to the witnesses and/or family members, and sufficient documentation of the need for security precautions was generally not found during the Committee's review. The report noted that this problem ultimately affects the provision of adequate protection by U.S. Marshals. Despite this deficiency, the Committee reported that the Marshals claim that only one witness has been murdered as a consequence of his testimony.¹⁷ There is

no indication that any individual has been murdered as result of his participation, except for very few who have violated the security rules. In instances of witness' deaths, the reasons include security breaches, the tendency of some witnesses (who were former informants) to keep in telephone contact with associates to return to the danger area, or to establish contact with criminals in the relocation area.

Chief among the complaints over relocation efforts was witness dissatisfaction with a reliance on "temporary" facilities (hotels or motels), and Program officials dissatisfaction with the abundance of witnesses requesting relocation to specific geographic areas.

A significant source of displeasure with the Program concerned housing and medical financial aid, and subsistence payments, all designed to facilitate the witness' transition until employment is secured. The Review Committee found that economic hardships, as well as a loss of social status, may result from cooperation with and relocation by the Government.

Those interviewed by the Committee also mentioned employment problems experienced by protected witnesses:

Protracted periods of unemployment increase the overall cost of the Program, severely damage the morale and self-image of the witnesses, and retard the re-entry of the witness into normal society.¹⁸

The general lack of legitimate job skills, the drastic differences between criminal and legitimate "salaries," and administrative confusion over responsibility for assisting witnesses in employment efforts have exacerbated this problem. At the time of the 1978 study, no formal employment tests were administered to match witness job skills with job availability in the relocated site. Several Committee recommendations

were developed to remedy this deficiency and have since been implemented. The Committee noted that all of these difficulties have been increased by the failure to provide credible documentation to relocated witnesses. The delays, incredible background records, and personnel shortages, which are themselves problems, also affect the effective delivery of several other Program services, including security and employment.

Underlying the Committee's 1978 analysis of specific program shortcomings was the general witness complaint that promises were not always kept. However, the Committee believed that the Memorandum of Understanding, instituted in July 1977, would eliminate misrepresentation and unmet expectations.

The Committee conducted a second witness survey as part of the 1978 assessment,¹⁹ and these data, when compared with similar questionnaire items from the first sample, document significant gains in witness satisfaction. The comparisons of interest are presented below, with percentages of affirmative replies to each item in surveys 1 and 2, respectively.

- o Adequacy of protective measures? (66,81)
- o Encountering of avoidable problems? (61,55)
- o Worthwhileness of Program? (90,90)
- o Re-entry into Program given current knowledge? (59,70)

More detailed comparisons than these are not possible due to differences in characteristics of the samples in surveys 1 and 2, in the questions, response rate, and the survey procedures followed.

The third research effort was carried out by Senate staff and counsel in preparation for the December 1980 Nunn Committee hearings.

The data collection methods included personal interviews with 57 relocated witnesses, 36 prisoner-protected witnesses, 16 WITSEC Marshals, 18 Department of Justice and five Bureau of Prisons officials, and 13 non-governmental but knowledgeable individuals. Additionally, 43 surveys were conducted with U.S. attorneys, strike force attorneys, and other agents, and 148 surveys were mailed to relocated witnesses.²⁰

Several problem areas emerged from this survey, echoing the findings from the previous studies. Although a number of procedural and methodological difficulties cast doubt on the data obtained from the witnesses, it is important to discuss these problems since they underscore general research obstacles inherent in studying protected witnesses.

Perhaps the doubts about the reliability of the data collected from the witnesses result from the Marshals' presence while the witnesses' completed the survey; in addition, the Marshals were responsible for returning the questionnaires to Senate staff. The potential biases introduced by this procedure are numerous. Further, a coding system to guarantee security (while permitting the identification of witnesses for possible personal interviews later) was not used. These methodological shortcomings should be kept in mind during discussions of the substantive findings from the 1980 study.

The central problems encountered by a sample of protected witnesses, enumerated for the hearings, included the following:

- o Lack of coordination among Federal, and between state and Federal agencies.
- o Funding, staff, and personnel training deficiencies
- o Lack of attention to the individual in dealing with witnesses and their complaints

- o Inaccurate or false promises made to witnesses
- o Security breaches
- o Incomplete documentation and employment assistance
- o Negative impacts of the Program on non-witnesses.²¹

Administrative Practices

Specific testimony was elicited on the effects of these operational problems on the two major categories of witnesses: Relocated and prisoner-protected witnesses.

Relocated witnesses, the larger of the two subgroups, reported some improvements in services. In particular, 39% of those witnesses surveyed reported that they or family members had experienced avoidable problems, down from 55% in 1978. Further, 73% responded that they would re-enter the Program given their current state of knowledge, up from the earlier 70% figure. The Senate staff investigation report noted that these gains may have been the result of the improved accuracy of information conveyed to prospective witnesses. While the Memorandum has been credited with reducing misinformation, the psychological condition of some witnesses when they sign this agreement, and the fact that witnesses are not permitted a copy of the signed document, creates persistent difficulties in this area.

Staffing and funding problems are universal; they plague this Program as they do most others. Coordinating the agencies involved is a large task since roughly 65% of the personnel involved with the Program are not directly under WITSEC authority.

Security problems were noted often during the 1980 hearings.

Although training of WITSEC specialists has alleviated most security breaches, instances still occur which place the witness and family in danger. Breaches which may reveal the witness' true identity may originate in offhand remarks by inexperienced Marshals in the presence of strangers, or may stem from inadequate attention to the movement of witnesses and their possessions. Many of these errors occur as a result of insufficient funding, inadequate training of Marshals, or both.

Closely related to security is a service that has come to signify the Program's success or failure: the provision of credible documentation. In addition to receiving a Social Security card, witnesses obtain a driver's license and birth certificate. Delays in the production of Social Security cards have diminished (from 6 months-1 year to 3 months on the average), although documentation sometimes remains a problem. For example, some states refuse to cooperate with the Marshals in providing these documents.²² Documentation difficulties often compound problems, forcing U.S. Marshals to explain the need for special procedures to prospective employers and credit lenders. The inadequacy of supportive background data also affects employment-seeking efforts, prolongs the reliance on government assistance, and increases witness tension. The staff report notes that the degree of impact of these problems on relocated witnesses is a function of witness traits and characteristics, and organized crime affiliation. It may be that "veteran" organized crime figures from La Cosa Nostra present adjustment problems quite distinct from those experienced by newer members in prison gangs or narcotics enterprises. Until research links these variables with the expectations that different organized crime witnesses may have about the Program and their likely success in adjusting to new ways of life, our views will continue to be impressionistic.

Numerous problems face the second category of protected witnesses, prisoner-witnesses, whose difficulties "...are just as, if not more, severe than those of relocated witnesses."²³ Because admissions of prisoner-witnesses are on the rise, the difficulties that this group experiences may increase the need for empirical research on this population. The 1980 report identified three major problem areas:

- o Misrepresentation of Program services
- o Restrictive conditions of confinement
- o Fear of discovery (through prison "grapevines")

As with relocated witnesses, prisoner-protected witnesses often enter the program with false expectations of release, parole, and accommodations of requests to be near their families. Unique to the prison group, however, are the restrictions of confinement in special protective custody units. These units are sections of the Institutions set aside exclusively for witnesses in organized crime cases who must serve out prison sentences prior to their release and entry into the relocation program. The terms of such confinement may affect the witness' willingness to testify, or the witness' memory and credibility during testimony. Some witnesses show considerable distress and anxiety when asked by BOP to move into a general prison population. Although witnesses complain that they do "harder time" in these custody units, the prospect of a transfer into the general population often elicits even great resistance. Witnesses view the move with uncertainty and fear that security in state or Federal institutions is impossible to maintain. In some cases, these reactions are based on arguments of convenience as when witnesses wish to remain in institutions in which

they feel they can exert control, or in which they can remain close to friends and family. In other cases, the expressed fears are valid. Because the effort to transfer witnesses into general population may occur following completion of testimony, this may unintentionally instill a feeling of abandonment, particularly since witnesses no longer feel part of an organized crime group, and no longer perceive themselves to be part of the government's "team." The speed and efficiency of prison grapevines may produce a "ripple effect" on those witnesses who are aware of the transfer policy and who still are in the process of testifying.²⁴

Benefit and Cost Analysis

The competing benefits and costs are quite difficult to work into a simple equation calculating the effectiveness of this program. Recent statistics from the OEO reveal that from March 1979 to March 1980 testimony by 398 witnesses has resulted in 1,323 indictments, 826 convictions, and only 79 acquittals. Interpreted as economic benefits, testimony by protected witnesses has assisted the government in incarcerating significant organized crime figures whose criminal activities defraud the public out of billions of dollars annually.²⁵ These results also indicate that the Program enables law enforcement to obtain information on many organized crime operations where access has been virtually impossible due to insulation of key figures; successful prosecutions reinforce the message that "no one is above the law."

Many, however, feel that these benefits are achieved at substantial

economic and social costs. Recent annual cost-per-witness estimates exceeded \$16,000²⁶. Less tangible costs to society, such as reports of crimes committed by relocated witnesses raise a host of concerns that are not easily dismissed.²⁷ These include the thorny dilemma over whether to notify local enforcement authorities in the witness' new home as to the presence of the witness, his new identity, and his prior record and the controversy over employing and protecting criminals as a means of catching other criminals.

Implications of the Review of Studies on the Program

This review of examinations of the Witness Security Program has highlighted ongoing and inherent difficulties as well as the glaring absence of any systematic collection of data on the Program and its participants. Lack of research is not the result of a disinterest or scarcity of topics worth pursuing. There are several intriguing research topics presented by this analysis of the Program, many of which involve questions traditionally studied by psychologists. A preliminary attempt to map out research areas most applicable to the interests of those concerned with witness protection is presented in Table 1.

Insert Table 1.

Table 1.

| Questions Posed by the Protection of Organized Crime Witnesses | Relevant Topics from Psychology |
|--|---|
| Predictable motivations of those becoming Protected Witnesses? | <ul style="list-style-type: none"> o Theories of motivation o Elements of risk in decision-making o Personality theories |
| Techniques of inducing and ensuring witnesses' resolve to testify? | <ul style="list-style-type: none"> o Persuasion and Attitude change o Prosocial behavior o Detection of deception o Impression formation o Self-disclosure |
| Impact of Program policies following testimony and during readjustment to protected status | <ul style="list-style-type: none"> o Persuasion, attitude change theories o Prosocial behavior o Detection of deception, impression formation o Tolerance for ambiguity, stress, and uncertainty o Attribution of responsibility |

The findings from numerous psychological research studies are relevant to "turning" potential witnesses, to the adjustments protected witnesses face in moving from criminal to noncriminal, and to the Program's operating policies directly affecting witnesses. However, the degree of fit between the psychological research findings and the general topic of witness protection cannot be assumed, but rather must be demonstrated through direct study. At this point, though, it may be useful to discuss some general examples of the utility of a psychological perspective as a way of alerting the reader to the direction this paper takes.

Broadly speaking, witnesses who testify against organized crime figures embark on a course of action which is simultaneously risky and distasteful. That is, the threat of retaliation is both a real and present danger for most witnesses, while at the same time, the process of testifying for the government may result in a label of informant. Many witnesses reach this difficult decision to testify through a series of interactions with enforcement officials, the objective of which is the "turning" of compliant as well as resistant individuals into witnesses for the government. This exchange process is a complex one, often requiring officials to sift through skillfully constructed layers of deception. This must be done with the awareness that such actions may stimulate witnesses to become more resistant to the idea of cooperation, and as a consequence, more convinced not to allow officials to penetrate their true motivations and feelings. Complicating the exchange process between potential witness and enforcement official are a host of concerns the witness may be reflecting upon. There may be substantial anchors which are holding the potential witness back. The

O.C. participant may be thinking about the betrayal of close associates, the code of silence against informing, upheaval that the provision of information to the government will bring about.

The important question is whether psychology can provide useful insights into this process. Absent specific research on protected witnesses that may be used to address this question directly, we might draw from a host of research studies on impression formation and management, persuasion and attitude change techniques, and attribution of responsibility, in re-casting the above process into psychological concepts.

Self-image is an important determinant of behavior. Unpredictable events over which we have no control, as well as forced personal decisions in which we play some role, may produce an imbalance or dissonant condition arising from the clash between self-image and chosen courses of action. To the extent that such imbalance is unpleasant and psychologically tension-producing, efforts may be launched to re-align the contradictory elements to achieve consonance. What is instructive is the posturing mechanisms engaged in by both the witness and enforcement official, as each seeks to attain a desirable outcome while projecting a consistent image to the other person.

One option open to the witness is to conclude that his former view of his self-esteem was inflated and thus, that his decision to turn on former "colleagues" is an accurate reflection of his true (and undesirable) nature. Another route to achieving balance is the addition of beliefs which support the chosen course of action to testify. For example, the witness may conclude that the decision was not his alone, and that it was forced upon him by others. This may enable the witness

to infer that he is "not such a bad person" after all, since he had no control over the events. Or, the witness could view the decision as a means to repairing his damaged self-esteem by exerting power over enforcement officials. The example below may demonstrate these points:

A very successful "paperhanger", an expert in the stolen securities market and well-acquainted with significant organized crime figures, had been arrested and imprisoned in a jail in the Southeast. Officials in a Northeastern State sought to obtain his testimony against significant organized crime figures, although the securities expert was initially quite resistant to the idea. Bail was arranged and he was returned to the Northeast. Despite the fact that the witness had once been quite powerful, his power and success soon gave way to feelings of isolation and impotence. The delicate interplay of power between witness and official in this situation was resolved in such a way that the individual recaptured power and status through the provision of information to eagerly awaiting law enforcement officials, while they achieved their objective in obtaining valuable inside information against organized crime individuals.²⁸

A key point is that regardless of the mechanism to resolve the dissonance, the witness may emerge with an enhanced or diminished self-concept, and these attitudes may pose problems during the adjustment process either in relocation or in prison. The following sections in this paper discuss the research method and results from a study designed to collect data on the dynamics involved in "turning" potential witnesses, and the application of psychological research to the process of handling witnesses once protection is initiated.

IV. SUBJECT SELECTION AND RESEARCH PROCEDURE²⁹

The adopted research approach and subjects selected for study were the products of thirteen months of negotiation and planning, in close coordination with Department of Justice officials. From the outset, the complexity and sensitive nature of protecting organized crime witnesses presented a variety of major obstacles to this research effort. In various guises, these methodological problems have been confronted by organized crime researchers studying other areas (Cressey, 1967). In the present instance, the problems were exacerbated since the witnesses themselves were the direct object of study. Security restrictions on access to certain witnesses, cost considerations, difficulties with anonymity and confidentiality procedures, as well as concerns over the potential collection of legally sensitive material, led to the following subject pool and research method.

Subjects and Research Procedures

Prior hearings by the U.S. Senate had identified two basic witness populations, prisoner- and relocated witnesses. Both shared adjustment difficulties, but each also faced distinct and significant experiences. The decision to focus this first feasibility effort on prisoner-protected witnesses was guided by the desire to learn about any similarities and differences in the two groups, and to provide empirical data on traits of prisoner-protected witnesses. This group currently comprises 50% of the number of witnesses admitted; as a result of increasing Federal efforts to intensify enforcement attention on narcotics organizations, the size of this group will most likely grow.

This is the case because there is the increased likelihood that cooperating witnesses will themselves be criminally involved, and that conviction and incarceration in protective custody units will precede relocation.

The decision to interview prisoner-witnesses was also motivated by the lessons learned from prior research attempts, which showed that face-to-face interviews were needed with this respondent group. This survey technique could be accomplished at relatively low cost by interviewing in prisons with units housing protected witnesses.

The researcher initially accompanied Department of Justice officials on their regularly-scheduled site visits to the institutions. (Subsequent visits were made alone.) Interested prisoner-subjects signed up for research interviews using only their Bureau of Prisons identification number, and were assigned a research code number by prison officials. Staff and witnesses were instructed not to use real names or aliases and not to discuss any background or specific information that might reveal the witness' true identity.

Each witness was interviewed privately and individually, without the presence of any government official; each interview lasted three hours.

Data Sources

The 16-page survey instrument probed the areas of: (1) prior organized criminal history and background data, (2) factors motivating the provision of information and entrance into the Program, and (3) the witnesses' assessments of the decision to testify, their attitudes toward the Witness Security Program, and their current

self-perceptions. In addition, the Adjective Check List was selected, following a review of personality assessment scales, to assist in gathering personality-trait data.

To supplement the interview and personality scale data, several items from files on these witnesses were obtained, as shown in Table 2.

Insert Table 2.

All of the data were coded according to a manual and booklet developed specifically for this study³⁰ and following the described classification scheme: Psychological Profiles and Data, Demographic Characteristics, Organized Crime Involvement, Assessment of Threat, Case Information/Witness Testimony, and Relocation Data.

Table 2
File Data on Protected Witnesses Grouped According to Coding Categories and Source

| TYPE OF INFORMATION | | |
|------------------------------------|---|---|
| Demographic | Psychological | Organized Crime Involvement, Witness Threat, Case/Relocation Data |
| Presentence Investigation | Bureau of Prisons Psychologicals | Office of Enforcement Operations |
| Bureau of Prisons Progress Reports | Bureau of Prisons Evaluations | Threat Assessments |
| Office of Enforcement Operations | Bureau of Prisons Clinical Interviews | Sponsoring Attorneys' memoranda |
| Probation/Parole Reports | Bureau of Prisons Progress Reports | Presentence Reports |
| | U.S. Marshals Evaluations | Probation/Parole Hearing reports |
| | Federal Correctional Consulting Forms | |
| | Presentence Investigation Reports | |
| | Memoranda, Physicians' Reports, letters | |

V. RESULTS AND CASE STUDIES

The specific findings are presented in the following sequence:
 Attitudinal data on the Witness Security Program, Individual Differences, Structural Factors, and Psychological Attributes. The last section is a discussion of the development of an empirically-based typology of prisoner-witnesses, and suggested protocols for handling such individuals.

Attitudinal Data on the Protection Program

As discussed in the review of prior research, several of the problem areas identified through Senate hearing have been remedied. Some of the interview responses collected here bear on these and other concerns and reflect both negative and positive attitudes. Selected items are presented in Table 3.

Insert Table 3

One key issue concerns the effects of Program involvement upon the delivery of credible testimony during trial; memory and recall do not seem to be a problem for this sample.

A major problem, however, appears to be the scheduling of visitors (family and friends) and the security problems this may pose. Nearly 80% report receiving no visitors, and 73% claim not to have seen family visitors since incarceration at the institution where interviewed. This finding may be related to the fact that 66% of the families of these

Table 3

Prisoner-Protected Witnesses' Responses to Interview Questions Relating to Treatment Received While in the Security Program

| | |
|---|-----|
| 1. How much, if at all, does your being a protected witness affect your ability to remember events or persons about which you are to testify or have testified. Is your ability affected alot, a little, or not at all? | |
| a. No adverse effect upon memory or recall | 55% |
| b. Slight adverse effect upon memory or recall | 15% |
| c. Significant adverse effect | 12% |
| 2. Prior to entering the Witness Protection Program, what, if anything, had you heard about it? | |
| a. No prior knowledge | 58% |
| b. Scant prior knowledge | 34% |
| c. Moderate and extensive prior knowledge | 8% |
| 3. What does "Witness Protection" mean to you? | |
| a. Physical security for self | 45% |
| b. Physical security for family | 10% |
| c. Psychological considerations | 17% |
| d. Combination of physical and psychological | 14% |
| 4. How do you feel now about your decision to discuss your knowledge of organized crime with government authorities? | |
| a. Extreme regret, losses exceed gains | 42% |
| b. Some regret | 16% |
| c. Mixed feelings, both losses and gains | 29% |
| d. No regrets, gains exceed losses | 13% |
| 5. How does your current treatment while in the Program compare with your expectations and with what you were told to expect? | |
| a. No differences | 24% |
| b. Treatment has not matched expectations | 47% |
| c. Mixture of expectations met and not met | 18% |
| d. Loss of faith in the Program | 8% |
| e. Treatment has lived up to expectations | 3% |

Table 3 - Continued

| | | |
|---|--|-----|
| 6. How do you think organized crime has been affected, if at all, by your decision to provide information? | | |
| a. Little or no effect | | 21% |
| b. Moderate disruption of the organization | | 13% |
| c. Long-term disruption of the organization | | 13% |
| d. Significant leaders incarcerated | | 37% |
| e. Organization destroyed | | 16% |
| 7. How do you think organized crime has been affected, if at all, by <u>others'</u> decisions to provide information? | | |
| a. Little or no effect | | 62% |
| b. Moderate disruption of the organization | | 8% |
| c. Long-term disruption | | 8% |
| d. Leaders incarcerated | | 15% |
| e. Organization destroyed | | 8% |
| 8. Do you feel that those you testified against are better, worse off, or in the same circumstances as you? | | |
| a. Defendant(s) worse off compared with witness | | 25% |
| b. Witness is worse off than defendant(s) | | 53% |
| c. Defendant and witness in equal circumstances | | 6% |
| d. Other | | 17% |
| 9. Have you ever felt unprotected or unsafe? | | |
| a. Never felt unsafe | | 53% |
| b. Felt unsafe due to actions by Program officials, for those indicating problems | | 21% |
| c. Felt unsafe due to actions by Bureau of Prisons officials, for those indicating problems | | 12% |
| d. Felt unsafe, due to ability of criminal organization for pursuit | | 15% |

prisoners are not in the Witness Security Program, thus complicating the movement of these family members. However, these claims by witnesses must be interpreted in light of the personality trait data indicating a preference for distant interpersonal relationships.

More related to the prisoners' daily routine was a series of questions dealing with the delivery of services. Using a four-point scale in which the low end represents unsatisfactory service, witnesses rated the quality of food ($\bar{x} = 1.2$), mail delivery ($\bar{x} = 1.6$), phone usage ($\bar{x} = 1.8$), treatment by correctional staff ($\bar{x} = 1.7$), and perceived treatment upon completion of testimony ($\bar{x} = 1.3$). Less structured items measuring the quality of the environment in the unit present a picture of pettiness and a climate of rumor-mongering.

...so many people, so much time on their hands. The frustration level is high. Can you imagine 40 years on a floor [that measures] 140' by 160'? (305)

There are petty comparisons about whose case is better. (303)

It's not a matter of good or bad...talk is the thing to do... conversation is basic part of society...Little things become important and the tension level depends on who's here. (101)

There is constant snitching...I try not to get involved, so the tension is not mine. Certain people are rumor mongers...it's worse than 'Peyton Place.' (402)

This is the bottom of the barrel...if we can't make it here, and get along, how will we make it in society? Here, it's easier to belittle others than it is to say 'he's ok'...(208)

A series of items sought to assess witnesses' prior knowledge and expectations. When asked to detail what they anticipated upon entrance into the Program, 24% listed security, 18% discussed the chance for a new start in life, and 6% mentioned the opportunity for reduced sentences.

In contrast to more current attitudes about treatment received since entering the Program, the data reveal that 64% of those interviewed report having thought about changing their minds about the decision to cooperate; of those persons, most report this feeling occurring within one year of their admission into the Program. One common reason offered for continued cooperation is the perception that no options or alternatives were available, and that witnesses feel labeled and trapped into adhering to the course of action (47%).

The FBI put me here. I had to come. I had no choice. (210) Others offered the explanation that they didn't fully want to change their decision, but that these thoughts raised their anxiety level.

Data on the comparison between expectations and current attitudes are also presented in Table 3. Of those listing significant losses as a result of having entered into protection, 30% include psychological deprivation, 35% report isolation from family and physical restrictions, and 5% cite loss of self-respect. The logical follow-up question, whether witnesses would encourage others to take a similar course if desiring to break from a pattern of organized crime activities, shows that nearly two-thirds report that they would not. Of the remainder, the most frequent response was that the decision would depend on the situation and person involved, on improvements in the Program, and that to persuade others, logic and reason would be more effective under some circumstances, while fear-arousing persuasive tactics would be more potent in others. Of course, the important aim is to attempt to match tactics with witnesses' personality traits.

Several questions probed the witnesses' feelings of security. Sixty percent report still traveling to testify, and nearly two-thirds

of those indicate feeling insecure or very insecure enroute to trials. Survey items relating to general security and protection provisions present a different picture. Over half of the respondents report having never felt unsafe since their involvement with the Program, despite the finding that 95% claim that other witnesses or individuals know their whereabouts (either as a result of the prison "grapevine" or the criminal organization's effectiveness.) As a specific measure of current feelings on security, responses collected through a five-point scale reveal an average rating of 2.1 (where 5 represents very secure). Viewed still another way, 61% selected the categories "secure" and "very secure" in describing their current feelings on security precautions, while only 36% placed themselves at the "insecure" or "very insecure" end of the scale.

A. Individual Differences

As presented in Table 4, this all-male sample of 41 prisoner-witnesses ranges in age from 24 to 58 ($\bar{x} = 37.6$ yrs.), has an average of 10.4 years of education, is most likely to be white, and raised Catholic. Characteristics of the developmental family show that most (55%) of the sample was raised in intact families, in which witnesses were likely to have one brother and two sisters. Many of the witnesses (44%) are married, few(10%) report having never married, and the sample revealed few second marriages. Several descriptions provided by witnesses depicting their backgrounds prior to incarceration are presented below:

I wanted to enjoy the taste of easy money. I didn't care about anything.... All I wanted was money. I bought into legitimate businesses, and one--a car battery factory--did well. I lived very well. (201)

I was on a self-destructive path...years of drugs, being crazy. Had no idea of what I was doing. (304)

I lived comfortably. Averaging \$2000/week. I would be advanced money; after the trip [witness was a fisherman working with a narcotics smuggling crew], I got \$20,000-\$50,000. I had a suite in a high-rise building, and owned a truck and camper. But I basically wasted money--spent it on drugs and pleasure. (101)

My neighborhood was like "West Side Story." I witnessed discrimination and gang violence. We were being neglected. I finished high school and college. I took my family to museums. My son was in a private school. (203)

[I lived]...the street life, good life. Well-off family. Never wanted for anything. [My parents] tried their best to raise me correctly...by rights I shouldn't be here... no broken home or anything... I was 18 years old...had \$10,000 wardrobe and spent \$60-70 per week on cleaner bills. Clothes and drugs were important to me. Annually, I made about \$100,000. (402)

Insert Table 4 here

Table 4
Selected Demographic Characteristics of the Sample
of Prisoner-Protected Witnesses

| | Percentage | Number (N) | Mean |
|-----------------------------------|------------|------------|------|
| Sex: | | | |
| Male | 100 | 41 | |
| Female | 0 | 0 | |
| Race: | | | |
| White | 67 | 26 | |
| Black | 26 | 10 | |
| Other | 7 | 5 | |
| Age: | | | |
| 18 to 23 years | 5 | 2 | 37.6 |
| 24 to 29 years | 13 | 5 | |
| 30 to 35 years | 22 | 8 | |
| 36 to 41 years | 35 | 16 | |
| 42 years and older | 24 | 9 | |
| Religion: | | | |
| Protestant | 19 | 3 | |
| Catholic | 44 | 7 | |
| Islamic | 19 | 4 | |
| Jewish | 6 | 1 | |
| Other | 13 | 2 | |
| Missing from sample | 61 | 25 | |
| Education: | | | |
| 0 to 8 years | 18 | 6 | 10.4 |
| 9 to 12 years | 62 | 22 | |
| 13 years and beyond | 18 | 6 | |
| Legitimate Occupation: | | | |
| Health/Education | 6 | 2 | |
| Managers/Administrators | 13 | 5 | |
| Sales workers | 3 | 1 | |
| Craftsman/workers | 18 | 7 | |
| Operatives | 6 | 2 | |
| Transport operatives | 8 | 3 | |
| Laborers | 20 | 8 | |
| Farm Managers | 3 | 1 | |
| Service Workers | 12 | 5 | |
| No legitimate employment | 19 | 8 | |
| Arrest/Convictions: | | | |
| Age First Juvenile Arrest | | 19 | 14.5 |
| Age First Juvenile Conviction | | 19 | 14.9 |
| Total Number Juvenile Convictions | | 26 | 2.2 |
| None | 42 | | |
| One | 19 | | |
| Two or more | 39 | | |
| Prior Adult Arrests | | | 10.5 |
| Ages First Adult Conviction | | | 20.5 |
| Number Prior Convictions | | 40 | 5.1 |
| Prior Incarcerations | | 39 | 3.3 |
| | 42 | | |

Data collected on past legitimate employment reveal a wide variation of occupations, and an average length of employment of 46 months for those having been employed. The range in employment is demonstrated by the excerpts below:

Subject worked for [deleted] company, of [deleted] City...for about 15 years. Thereafter, he was self-employed, operating a dry-cleaning store. In 1971, he bought a farm consisting of about 300 acres... (PSI,-117):

Subject worked part-time during 1964 to 1970, as a clerk, stockboy, and upholsterer trainee, and sanitation aide. Since 1971, he has been employed as a leather craftsman and artisan. (402).

In fact, one witness whose criminal occupation was contract murder, also reported having been legitimately employed as an pest exterminator.

Health-related data indicate only mild physical disabilities; the file and interview data show a virtual absence of diagnosis, treatment, and hospitalization for psychological disorders. In describing general and specific drug usage, nearly one-third of the respondents report both past and present drug use, with marijuana, opiate, and cocaine use the leading choices (42%, 39%, 39%, respectively).

Data were gathered on the extent of criminal involvement of family members as well as witnesses. Only 35% of the sample reveal criminal involvement by family members, most frequently involving robbery, narcotics, and racketeering offenses committed by the witnesses' father. For example:

Father of witness, age 61, is currently in custody on first degree kidnapping and murder charges relating to the death of [deleted], a labor figure. He also has attained the reputation as one of the most prominent crime figures in the [deleted] area...and has been implicated in the bombings of several local restaurants, connected by the fact that they were involved with labor disputes with the local [deleted] while the deceased was Secretary Treasurer of that union. (303)

To quote from another interview:

My father was the kingpin of the [deleted] area, moving heroin from [deleted] to [deleted]. When he was paroled, I became involved in these activities as a mule for his organization...(302)

The pattern of witnesses' early criminal behavior is quite varied, beginning on the average at age 15: the total number of juvenile convictions ranges from 0 to 19. Typically, these witnesses were likely to have first been convicted as adults by age 21, arrested 10.5 times and convicted 5 times prior to entrance into the Program. However, the variability in these data is great: the number of prior arrests range from 0-30 and prior convictions from 0-15.

Consistent with general disposition trends for convicted offenders, the average number of prior incarcerations (3.3) of these protected witnesses falls markedly below their average number of arrests (10.5). Of those specific offenses for which the sample was convicted one or more times, we find, in descending order of frequency, RICO and conspiracy offenses, (36%), armed robbery (34%), aggravated assault (34%), burglary-dwelling (33%), fraud (31%), weapons (29%), and narcotics-heroin (23%).

It may be instructive to pause at this point to discuss several points raised by these demographic data. In many respects, this sample of prisoner-witnesses is not unusual, particularly in child-rearing, educational level, and employment areas. If one's objective is simply to construct a criminological theory explaining the behavior patterns of and subsequent defection by these organized crime witnesses, these data do not allow such explanations based solely on role interactions within the developmental family. Many of these witnesses were likely to have

been raised in well-socialized families, in which both mother and father were available as role models. One inference from these data is that these witnesses possess the capacity for successful adjustment and untroubled interpersonal relationships. That these individuals often did not capitalize on this potential is clear from the early onset of criminal activities, and the specific offenses engaged in. This point, however, must be tempered with the recognition that the data and observations drawn from official criminal records and self-report histories are somewhat suspect. For example, one witness responded:

I lived a fairly comfortable life...a medium-income person, [who] enjoys life. [I've] been in prison before, and was enjoying the neighborhood, kids, being outside, and generally enjoying peace and nature. (209)

By implication, it is the involvement with the Program that has curtailed all these pleasures.

Upon examining these demographic data for insights on the adjustments facing protected witnesses and the potential for recidivism, the frequency of rearrests leads to the speculation that recidivism likelihood is quite strong and successful adjustment chances quite low. However, predictions of recidivism among protected witnesses must consider the influence of the difficult adjustments these individuals experience, the effects of the type of organized crime activities they have left behind, and the particular personality traits they possess. Given the recent Congressional push to include predictions about the witness' stability and potential for recidivism as an element of the admission process, the contribution of personality-trait data and other measures, when added to offense histories will assist officials in making predictions about potential witnesses seeking protection. Data such as these are reported in the next sections.

B. Structual Factors

The major results in this section are presented in Table 5.

Insert Table 5 here

----- Data on organized crime group affiliation reveal that this sample of witnesses had significant ties to La Cosa Nostra, large-scale narcotics trafficking rings, white-collar crime organizations, and Black Guerrillas, among others. The groups represented are characterized as exerting regional(35%), state-wide(28%), national and international(30%) influences. On the question of length of time in organized criminal activities, file data (\bar{x} = 35.4 months) differ from the interview responses (x = 94.5 months). Because there were fewer entries in the file data, the figure based on the interview responses may be more reliable.

Witnesses' perceptions of the structure and functions of organized crime were elicited, and given the predominance of La Cosa Nostra, white-collar crime organizations, and narcotics rings in this sample, it is not surprising that their definitions stressed the themes of structure (64%), violence (26%), and discipline (26%), while corruption (23%), sophistication (23%), and legitimate business involvement (23%) were cited less frequently. Selected examples from the interviews underscore this point:

The Mexican Mafia gets their man, at all costs. Even if they lose their life, it is subordinate to the goals of the group... especially if the person is a 'snitch'...(302)

Table 5
Percent Distribution of Prisoner Witnesses' Organized Crime Group
Affiliation, Rank in Group, Convicted Offenses, and Crimes Leading to
Protection Needs

| | Percentage | (Number) | n |
|---|------------|-----------|----|
| Organized Crime Affiliation | | <u>41</u> | |
| None | 2 | | 1 |
| La Cosa Nostra | 17 | | 7 |
| La Neustra Familia | 5 | | 2 |
| Mexican Mafia | 2 | | 1 |
| Dixie Mafia | 2 | | 1 |
| Bikers | 5 | | 2 |
| Aryan Brotherhood | 2 | | 1 |
| Black Guerrillas | 10 | | 4 |
| Union/Labor-related | 2 | | 1 |
| White Collar | 13 | | 5 |
| Narcotics Rings | 17 | | 7 |
| Bank Robbery Crews | 5 | | 2 |
| Terrorist | 5 | | 2 |
| Other | 10 | | 4 |
| Rank in Group | | <u>37</u> | |
| Leader/Official | 24 | | 9 |
| Member | 38 | | 14 |
| Associate | 27 | | 10 |
| No rank | 11 | | 4 |
| Organized Criminal Activity | | <u>40</u> | |
| Bank Robbery | 20 | | 8 |
| Narcotics | 20 | | 8 |
| Racketeering | 13 | | 5 |
| Homicide | 7 | | 3 |
| Robbery-other | 7 | | 3 |
| Arson | 7 | | 3 |
| Burglary | 5 | | 2 |
| Interstate Transp./ Stolen Property | 3 | | 1 |
| Tax Evasion, Laundering | 2 | | 1 |
| Kidnapping | 2 | | 1 |
| Other | 14 | | 5 |
| Crime Associated with Protection Needs | | <u>40</u> | |
| Homicide | 35 | | 14 |
| Narcotics | 17 | | 7 |
| Bank Robbery | 13 | | 5 |
| Racketeering | 5 | | 2 |
| None | 5 | | 2 |
| Others-Combined | 25 | | 10 |
| Offense Convicted | | <u>41</u> | |
| Armed Robbery | 24 | | 10 |
| Homicide | 15 | | 6 |
| Narcotics | 22 | | 9 |
| Racketeering | 5 | | 2 |
| Burglary, Theft, ITSP | 6 | | 2 |
| Fraud, Arson | 4 | | 2 |
| Arson | 5 | | 2 |
| Conspiracy | 5 | | 2 |
| Sex | 2 | | 1 |
| Firearms | 2 | | 1 |
| Other | 10 | | 4 |
| | 47 | | |

Government had me [listed] as a gang leader...there was no leader... we all had jobs. If any one person said it didn't feel right, we didn't do it. (402)

This is an organized guerrilla movement. Not motivated for money. Not for extortion. Not to better our position financially. We are a sophisticated foreign government espionage system. A 'cause.' (203)

Organized crime is a tight bunch of people helping one another. If it [the assignment] had to do with us, if it would affect business, I'd do it...steal, shoot out [competitor's] windows, break legs...They [leaders] acted like godfathers...organized idiots. (304)

[FALN] is quite clandestine in nature; for example, when members who do not already know each other gather, they wear masks to avoid the possibility of later recognition. (203-File)

In addition to these characterizations of organized crime, other witnesses associated hostile motives and negative consequences with the organized crime "label:"

Organized crime is bullshit. It is a nebulous loose knit group of predators inflicting their...will-almost in a barter system. A loose knit group of idiots. The Fratianno book is a lie. You don't see them with any great funds...Organized crime is a label to get RICO socked to you...(303-Interview)

Along with organized crime involvement and perceived attributes of organized crime, Table 5 summarizes the predominant criminal activities engaged in by this sample of witnesses. These activities can be categorized as investing in legal and illegal ventures (6%), engaging in grey market activities (8%) and black market activities (24%), and providing criminal support services (54%).

Although many of the sample group were generally involved in bank robbery, narcotics, and racketeering, the criminal activities that led most directly to the institution of government protection were quite different. Essentially, homicide assumes a greater role, while Bank

Robbery and Racketeering diminish in importance.

Turning to the data on convicted offense, plea, and sentence received, there was a predominance of armed robbery, narcotics, and homicide charges. Almost one-third of the witnesses were not convicted on a second count; of the 69% who were, the offenses were quite varied, with armed robbery (13%) and firearms violations (13%) accounting for the highest percentages.

The data revealed that plea arrangements are frequent, as demonstrated by a 70% rate of guilty pleas to the primary offense. The second most common disposition is through guilty verdicts resulting from jury trials. Sentence data also reflect a process of negotiation. On the first count of offense convicted, 76% received sentences on Federal charges, 13% on state, and 11% received no sentence. Nearly half of the sample did not receive any sentence on the second count although, as noted above, nearly 70% were charged with second offenses.

Data on the type and length of incarceration indicate 45% are serving concurrent sentences, 13% consecutive, and 39% are serving simple sentences. Minimum lengths of incarceration range from 19 months to life (\bar{x} = 113 months), while maximum sentence lengths range from 36 months to life (\bar{x} = 168.7). The average sentence lengths exclude those serving life sentences.

The number of trials in which these witnesses testified range from one to 15, with one-third having testified in two or more trials. Because the interview and file data differ on the number of witnesses involved in pending trials (32% versus 53% respectively), it is quite likely that the mean number of trials testified in (\bar{x} = 1.4) is an underestimate.

The vast majority of cases in which these witnesses testify involve Federal charges (82%), with homicide (29%), narcotics (21%), and racketeering (16%) foremost among the defendants' criminal activities. The number of defendants in those cases ranges from one to 25 (\bar{x} = 7.4), although a few cases appear to have skewed this figure (28% testified in trials with 11 or more defendants). Nearly 70% of those defendants testified against were characterized in file data as primary organized crime figures, central to the group's operation; 63% were primarily linked to witnesses through business associations, and 29% were more distantly related (e.g. through prison or neighborhood contacts).

Disregarding for the moment the contradictory interview and file data on the number of cases pending, these witnesses appear to have contributed to guilty verdicts by trial juries in nearly half of the cases. The remaining cases were resolved through guilty pleas (8%) or acquittals (5%). Some examples may illuminate the type of information these witnesses provide:

Witnesses is providing extensive information about FALN cell structure, membership, and activities. He has assisted in thwarting plots as a result of his assistance in successful prosecution and incarceration of 11 FALN members. (203-File)

Witness was a 'middleman' for La Cosa Nostra in the [deleted] area. He handled contracts for murder (one involving a state liquor agent), bribery of public officials, arson, and extortion. Witness has been extremely effective [he wore body recorders and transmitters] in eliciting information. In fact, he has obtained virtually complete confessions from targets on the nature, and scope of a racketeering enterprise. He has testified against and helped obtain the conviction of 14 defendants, including organized crime leaders, underlings, and sheriffs. (208-File)

The case, which originally ended in a hung jury, involves the murder of [deleted] on [deleted] at the Federal Correctional Institution at [deleted]. This case is of extreme importance because it will allow the operation of the Mexican Mafia to be fully ventilated. The case involved the contract killing of an inmate by Mexican Mafia members due to [this person's] past involvement with those individuals and the Aryan Brotherhood. (302-File).

The data from official records were examined to determine whether these witnesses have provided information or leads for other cases. For this sample, nearly 50% have provided significant information for future case development, primarily in the racketeering, narcotics, and homicide areas.

Data were also collected on specific reasons for witnesses' cooperation, their decision to testify on the government's behalf, and indications of threat. These data are presented in Table 6.

Table 6

Fear, a reduction in sentence facing the witness, and a combination of several factors were offered with equal frequency as reasons for cooperation with enforcement efforts. Somewhat more specific reasons were obtained in response to the questionnaire item on the decision to testify. This is not surprising, since the information on witness cooperation was gathered exclusively from file data. Fear, owing to the fact that witnesses saw an associate killed or to other equally compelling events, emerges as the most potent explanation. Family pressures, the desire for a change in lifestyle, or more self-seeking reasons, such as a reduction in sentence, or retaliation against former organized crime associates appear with equal but rather low frequency. It is interesting to compare these data with the identical question on the witnesses' views as to why others decide to testify. The comparison

Table 6
Percent Distribution of Reasons for Cooperation, Decision to Testify, Indications of Threat, and Perceived Probability of Retaliation for the Sample of Prisoner-Protected Witnesses

| Reasons for Cooperation | Percentage |
|--|------------|
| Reduction in Sentence | 27 |
| Fear for Life | 27 |
| Implicated by Others/No Choice | 5.4 |
| Combination of Reasons | 27 |
| Missing, no reason, uncodable | 14 |
| Decision to Testify | |
| Fear | 20.5 |
| Compelled, No Choice | 15.4 |
| Retaliation against organization | 10.3 |
| Family-related reasons | 7.7 |
| Reduction in Sentence | 7.7 |
| Change of Life Sought | 7.7 |
| Combination of Reasons | 23.1 |
| Missing, no reason | 17.8 |
| Threat Assessment | |
| Organization has violent reputation | 25 |
| Defendants have violent reputation | 25 |
| Potential witnesses killed, silenced | 20 |
| Witness has received threats | 12.5 |
| Family has received threats | 5. |
| Defendants have discussed threats | 5 |
| Witness is in danger due to publicity | 2.5 |
| Missing, none | 5 |
| Belief in Retaliation | |
| Organization will not retaliate | 8 |
| Only indirect information on retaliation by organization | 16 |
| Present during discussions | 24 |
| Present during acts | 16 |
| Planned acts of retaliation | 16 |
| Carried out retaliation | 19 |
| Missing | 1 |

reveals a greater tendency to attribute more personal motives e.g., reduction in sentence (33%), and fewer external justifications, such as fear or family pressures, to the motives of others.

Because fear and retaliation do not appear to be the dominant choices one might have predicted, the data were examined for actual indications of threat posed to these witnesses, and the witnesses' beliefs about the ability and likelihood of their organization or leaders to seek and inflict retaliation as a consequence of witness' testimony. Indications of threat found in the file data centered on the violent reputation of the organization and the defendants' prior reputation for swift retribution. The receipt of threats by family members, or the silencing or killing of potential witnesses are cited less frequently, and reinforce the view that the perception of power and violent tendencies is often as effective as the actual act itself. Data which substantiate threat indications are found in a series of probability estimates based on a 10-point scale, collected from the file data and from witness interviews. The perceived seriousness of the threat ($\bar{x} = 9.2$), the likelihood of retaliation efforts ($\bar{x} = 7.9$), and the chances that those seeking the witness ($\bar{x} = 4.3$) will be successful reinforce the need for protection. Further support comes from the data on the formation of beliefs about the retaliatory capability of their organization, as seen in Table 6. Thus, the perception among these witnesses of the consequences of betraying former organized crime associates is both real and informed.

These data on structural factors - which include the variables of organized crime group affiliation, position in group, criminal activity, reasons for cooperation, indications of threat, trials testified in, and trial outcome - lead to several observations. First, the diversity in the organized crime groups represented by this sample of prisoner-witnesses suggests that the Witness Security Program encompasses a broad spectrum of individuals. The wide diversity in the witness population surfaced during the interview of one veteran witness who had been incarcerated in several prison units and had also experienced several relocations. He perceived a decline in the caliber of witnesses currently in the Program, and stated that where once major organized crime witnesses against the Mafia were accepted for protection and relocation, now the emphasis was on "nickel and dime" cases. His comments reflect the changing nature of organized crime. In recent years, law enforcement has shifted its focus to include traditional organizations and diverse ethnic groups, prison gangs, and white collar criminal organizations. Thus, officials dealing with protected witnesses encounter diverse organizational goals, tactics, and witness behavior. One implication of this variety in organized crime witnesses is that greater coordination among Federal agencies is required to monitor the mix of witnesses in protective custody units. This fact complicates the movement and transfers of witnesses, as well as the daily interactions within such units. For example, Bureau of Prisons must be cognizant of the prevailing relations among organized crime groups. The movement of witnesses from one unit to another in a different prison may become commonplace as increasing numbers of hostile factions within groups are identified. Because specific justifications cannot be given to the

witness involved, he may misread the transfers as abandonment by, or as incompetence of the government. As word spreads, witnesses may become resistant to such moves.

While this diversity poses problems for the agencies involved, the presence in this sample of various organized crime groups presents the opportunity to search for distinctions and similarities among the structure of organized crime groups; when these data are related to the data on witness attitudes and behaviors, investigators and prosecutors are in a better position to plan procedures to handle witnesses already in the Program, and to target potential witnesses.

A second observation from examining these data in structural terms is that the perception of organized crime expressed by these witnesses is not simply an academic issue. While other studies have pointed to the futility of seeking to develop a universally-accepted definition of organized crime (See Davis and Rogovin, 1983), the knowledge of witnesses' beliefs about central traits of criminal organizations sheds light on the types of expectations these persons hold for the behavior of other, noncriminal organizations, including the Witness Program. For example, the overriding importance of group structure, and the related notions of cohesiveness, leadership, and communication patterns within groups could lead those who have just left crime organizations to expect similar treatment by the system under which they must now operate.

There's no patriotism in organized crime, is there? I called those I worked for [in the criminal organization] and asked for help. Asked for \$1000. I got \$125. They showed no help.

Quoting later on from that same interview:

...[the] government gets you up to sea level, and the rest is up to you...[the] help my family is getting [they are relocated] is not adequate...next time, I'll relocate her myself...I still have enough friends in my fold to protect her. (304-Interview)

Another example of the importance of witnesses' views of organized crime in shaping subsequent attitudes is the witness whose definition stresses the collective opportunities, and the resulting "connections" afforded by criminal interactions. To the extent that past experience with the fulfillment of promises made by organized crime associates produce a similar expectation that the government will move with equal speed and efficiency, witnesses may be bitterly disappointed and conclude, as one witness did, that:

I felt that I had turned against people I had been with all my life...I felt I could have been treated better by the government...(305-Interview)

In a similar vein, one witness formerly affiliated with La Cosa Nostra interpreted the promise that "all will be taken care of" quite literally, and soon realized that decisions and actions take longer in the government bureaucracy:

...the worst thing I ever did, including crimes, was getting involved with the Witness Program...You're told everything will be taken care of, but you can't get an answer [regarding his wife's relocation] up the line. (106-Interview)

Thus, statements and promises made by U.S. Attorneys, sponsoring attorneys, and Program officials must be made with the realization that witnesses attach heightened significance to words and deeds as a function of their prior expectancies in dealing with "organizations."

Finally, these data on structure are revealing when examining the distinction between a witness' pattern of organized crime activity and those specific crime(s) leading to the need for protection: Homicide stands out in a comparison of the two offense distributions. For law enforcement, some potential witnesses are vulnerable to conversion when the witness is in transition from engaging in economic-related support

services on behalf of a criminal organization, to a deeper involvement requiring the physical elimination of potential competitors, witnesses, or criminal cohorts perceived to have gone astray.

The organization was in the auto parts business, and engaged in arson for fun and profit as a way of intimidating business competitors; other means included threats of physical injury. [One defendant in this case had attempted to kill two government witnesses...the present witness was asked to kill a trial witness.] 304-File and Interview)

I had done it all...in prison, stabbed guards, taken hostages. Out of prison, prostituted myself to [climb] up the ladder...weapons and jewelry robberies, smuggled automatic weapons out of military operations, narcotics... Murder was around the corner...I didn't want to get into that...(305-Interview)

C. Psychological Attributes

These data are drawn from the Adjective-Check List, the interview and file data, from witnesses' explanations for their involvement with organized crime, and their self-descriptions.

The Adjective Check List taps four broad personality components. The scales are described in Table 7, and the data are shown in Table 8. The standard scores reported here have been converted from the raw data by grouping each protocol according to established norms for the number of items checked and grouped according to the respondent's sex.

The Modus Operandi scales measure self-descriptions and typical modes of behavior. As the mean scores for each of these scales indicate (Columns a, c, and e), and as the frequencies reveal for those scale scores falling below a standard of 40 or above 60 (Columns b and d), the overall tendency was for responses below the norm. Witnesses generally select fewer adjectives, and use fewer favorable adjectives to describe themselves. Person with these traits tend to exhibit erratic behavior, fear, hesitancy, and often deal with problems and obstacles in deviant, contentious, and defensive ways.

Need scales tap a variety of personality traits; in this sample, there were few variations from the normative score of 50. Order, affiliation, abasement, succorance, and deference were scales with significant departures below 50. Dominance, exhibition, and aggression showed moderate elevation. Witnesses with this array of Need scale scores seek quick and immediate gratification, and are easily redirected or distracted from long-range goals. One witnesses commented on this point during the interview:

Some of the Program is problematic, partly because of the type of people in it...they are too impatient. (208)

Table 7. Adjective Check List Description

| Scale Designation | Name | Number of Indicative Items | Number of Contra-indicative Items | Description |
|-----------------------|--------------------------|----------------------------|-----------------------------------|---|
| <u>MODUS OPERANDI</u> | | | | |
| No. Ckd | Number Checked | - | - | Raw score is total # items checked |
| Fav | Number Favorable Items | 75 | 0 | Assesses favorability as a factor in personality |
| Unfav | Number Unfavorable Items | 75 | 0 | Assesses negative aspects of personality |
| Com | Communality | 22 | 26 | Reflects way respondent has dealt with check list; helps to identify random bogus protocols, cut-off point of 25 and below. Also measures typical way respondent deals with problems. |
| <u>NEED SCALES</u> | | | | |
| Ach | Achievement | 25 | 13 | Reflects the striving to be outstanding in pursuits of socially recognized significance. |
| Dom | Dominance | 19 | 21 | Reflects the activity to seek and maintain a role as leader, to be influential and controlling in individual relationships. |
| End | Endurance | 24 | 24 | Measures the persistence in any task undertaken. |
| Ord | Order | 24 | 16 | Assesses the extent to which neatness, organization, and planning in activities are emphasized. |
| Int | Intracception | 23 | 9 | Measures the attempt to understand one's own behavior or behavior of others. |

Table 7 - Continued

| Scale Designation | Name | Number of Indicative Items | Number of Contra-indicative Items | Description |
|-------------------|-----------------|----------------------------|-----------------------------------|---|
| Nur | Nurturance | 24 | 22 | Measures the desire to engage in behaviors that provide material or emotional benefit to others. |
| Aff | Affiliation | 34 | 0 | Reflects the seeking and maintaining of numerous personal friendships. |
| Het | Heterosexuality | 20 | 12 | Assesses the seeking of and emotional satisfaction derived from interactions within opposite-sex persons. |
| Exh | Exhibition | 26 | 20 | Reflects behavior which is designed to elicit the immediate attention of others. |
| Aut | Autonomy | 29 | 15 | Measures the ability to act independently of others or of social values and expectations. |
| Agg | Aggression | 21 | 23 | Assesses behaviors that attack or hurt others. |
| Cha | Change | 22 | 16 | Reflects the tendency to seek novelty and avoid routine. |
| Suc | Succorance | 21 | 11 | Measures the solicitation of sympathy, affection or emotional support from others. |
| Aba | Abasement | 25 | 17 | Reflects the expression of feeling of inferiority through self-criticism, guilt, or social impotence. |
| Def | Deference | 19 | 25 | Measures the tendency to seek and maintain subordinate roles in relationships with others. |

Table 7 - Continued

| Scale Designation | Name | Number of Indicative Items | Number of Contra-indicative Items | Descriptions |
|------------------------------------|----------------------------|----------------------------|-----------------------------------|--|
| <u>TOPICAL SCALES</u> | | | | |
| Crs | Counseling Readiness | 24 (for males) | 28 | Psychological implications differ by sex, however its main function is the identification of persons open to change and who might profit from counseling, or therapy. |
| S-Cn | Self-Control | 16 | 18 | Assesses dependability tolerance of uncertainty and impulsiveness. |
| S-Cfd | Self-Confidence | 20 | 14 | Assesses assentiveness, poise, self-worth, and integration. |
| P-Adj | Personal Adjustment | 18 | 16 | Measures personal meaning, persistence, and attitude toward life. |
| Iss | Ideal Self Scale | 26 | 20 | Distinguishes between ideal and real self conceptions. |
| Cps | Creative Personality Scale | 18 | 12 | Measures cleverness, diversity of interests, and conventionality of thought. |
| Mls | Military Leadership Scale | 24 | 26 | Reflects conscientiousness, perseverance, and conservativeness |
| Mas | Masculine Attributes Scale | 22 | 0 | Distinguishes between male and female respondents, places individuals on continuum of masculinity-femininity, and between persons having modal and nonmodal sexual preference. |
| Fem | Feminine Attributes Scale | 22 | 0 | |
| <u>TRANSACTION ANALYSIS SCALES</u> | | | | |
| CP | Critical Parent | 35 | 9 | Measures aggressiveness, warmth, conformity, and skepticism. |
| NP | Nurturing Parent | 22 | 22 | Reflects degree of fault-finding, forgiveness, and responsibility. |

Table 7 - Continued

| Scale Designation | Name | Number of Indicative Items | Number of Contra-indicative Items | Descriptions |
|---|-------------------------------------|----------------------------|-----------------------------------|--|
| A | Adult | 22 | 22 | Reflects rationality, impulsivity, motivational level. |
| FC | Free Child | 22 | 22 | Assesses spontaneity, planfulness, apathy, and energy. |
| AC | Adapted Child | 22 | 22 | Measures inhibitions, initiative, anxiety, and self-worth. |
| <u>ORIGENCE-INTELLECTENCE SCALE</u> | | | | |
| A-1 | High Origence Low Intelligence | 21 | 0 | These 4 scales measure the relative influence of the ability to think abstractly, logically and the ability to think imaginatively, probe new ideas, and to suspend traditional assumptions. |
| A-2 | High Origence, Low Intellectence | | | |
| A-3 | High Origence, Low Intellegence | | | |
| A-4 | Low O--High I-- | | | |
| (Index of spuriousness and random protocols) 2 Com + Mls - Unfavor | | | | |

Score of 50 or above based on this calculation counter-indicate random protocols. Scores between 20 and 50 suggest protocols which may be invalid. Scores below 20 strongly indicate invalid protocols.

Table 8
Standard Scale Scores on the Adjective Check List for the Sample of
Prisoner-Protected Witnesses

| Scales | a | b | c | d | e |
|--------------------------------------|------|----|------|---|------|
| <u>MODUS OPERANDI</u> | | | | | |
| Number Checked | 42.8 | 11 | 34.6 | 1 | 63.0 |
| Favorable | 45.9 | 7 | 33.1 | 2 | 60.5 |
| Unfavorable | 48.3 | 5 | 39.1 | 3 | 64.0 |
| Communality | 44.3 | 10 | 33.0 | 0 | 0 |
| <u>NEED SCALES</u> | | | | | |
| Achievement | 47.4 | 3 | 35.0 | 1 | 61.0 |
| Dominance | 51.7 | 2 | 38.0 | 5 | 62.0 |
| Endurance | 48.5 | 3 | 38.3 | 0 | 0 |
| Order | 47.2 | 5 | 36.8 | 1 | 61.0 |
| Intracception | 49.3 | 4 | 30.5 | 3 | 65.3 |
| Nurturance | 51.0 | 4 | 37.5 | 4 | 64.0 |
| Affiliation | 46.4 | 6 | 34.5 | 1 | 61.0 |
| Heterosexuality | 50.6 | 4 | 37.8 | 5 | 68.8 |
| Exhibition | 53.7 | 2 | 35.0 | 8 | 60.0 |
| Autonomy | 50.6 | 3 | 36.7 | 2 | 64.5 |
| Aggression | 53.8 | 3 | 37.7 | 3 | 62.7 |
| Change | 49.8 | 3 | 37.7 | 5 | 63.3 |
| Succorance | 51.0 | 5 | 37.2 | 2 | 64.0 |
| Abasement | 48.4 | 5 | 37.0 | 2 | 62.5 |
| Deference | 47.8 | 5 | 36.0 | 2 | 62.5 |
| <u>TOPICAL SCALES</u> | | | | | |
| Counseling | | | | | |
| Readiness | 50.7 | 2 | 37.0 | 6 | 60.0 |
| Self-Control | 46.8 | 8 | 34.6 | 6 | 62.8 |
| Self-Confidence | 50.2 | 5 | 37.2 | 3 | 64.0 |
| Personal | | | | | |
| Adjustment | 47.6 | 5 | 34.4 | 1 | 65.0 |
| Ideal Self | 49.7 | 4 | 36.0 | 3 | 66.0 |
| Creative | | | | | |
| Personality | 49.8 | 2 | 35.5 | 3 | 60.3 |
| Military | | | | | |
| Leadership | 46.6 | 7 | 35.9 | 2 | 60.0 |
| Masculine | 48.9 | 6 | 38.8 | 3 | 62.7 |
| Feminine | 45.9 | 6 | 35.3 | 0 | 0 |
| <u>TRANSACTIONAL ANALYSIS SCALES</u> | | | | | |
| Critical Parent | 50.3 | 3 | 37.7 | 4 | 65.0 |
| Nurturing Parent | 50.0 | 5 | 34.8 | 4 | 64.3 |
| Adult | 46.9 | 9 | 37.2 | 3 | 61.7 |
| Free Child | 52.6 | 3 | 37.3 | 9 | 63.6 |
| Adapted Child | 51.0 | 0 | 0 | 5 | 62.2 |
| <u>ORIGINE-INTELLECTENCE SCALES</u> | | | | | |
| High O, Low I (A1) | 51.2 | 3 | 36.7 | 4 | 67.0 |
| High O, High I (A2) | 46.5 | 5 | 37.8 | 1 | 65.0 |
| Low O, Low I (A3) | 44.0 | 9 | 34.7 | 0 | 0 |
| Low O, High I (A4) | 44.7 | 8 | 36.1 | 0 | 0 |

a Mean Scores, n=26
b Number of Cases scoring 40 and Below
c Mean Scores for column b
d Number of Cases scoring 60 and Above
e Mean Scores for column d

These traits are often associated with stress, anxiety, and feelings of inadequacy when coping with crises, and persons who possess such characteristics often channel considerable mental energy toward constructing rationalizations or repressive defenses.

Beyond providing a picture of witnesses' personal characteristics, these Need scale scores offer a view of their interpersonal interactions. The data characterize witnesses as isolated and alienated from other persons, and suggest that witnesses are interpersonally inexperienced. Those interpersonal relationships that are entered into by these persons often become complicated as a result of inexperience and witnesses' anxiety. Frequently, these relationships are marked by overt hostile confrontation. Individuals with this cluster of traits often try to avoid interpersonal exchanges. If that is not possible, these persons do not have the ability to enter into interactions smoothly, and they plunge aggressively into interactions, relishing the defeat of persons they view as their rivals. Oversimplifying matters by categorizing persons into either friend or foe is not an uncommon practice by these individuals. Entries in official records, although incomplete, support many of these interpretations. Commonly cited psychological traits found in witnesses' files are the terms immaturity, antisocial behavior, and aggressiveness. Also in line with these descriptions are interview data eliciting witnesses' self-characterizations. Forty-four percent of those interviewed describe their actions as having been "compelled"; they appear to have very limited definitions of situations:

I was a robot...did whatever I was told to do. Not real comfortable...money went to the "organization" to keep it alive. Had a car, but had to quit jobs for the "cause"--it was a "Jim Jones" thing... (103-Interview)

A close friend of mine had been warned by the FBI that if he didn't testify for them, he might be killed by the organization. He was knowledgeable about car bombings, and had been indicted for murder in one of those bombings. I also knew about the bombings, but I told the FBI 'no way.' I never liked those people [in the organization]. Once I kicked the habit - trying to do right- I knew that I wasn't part of the family...once they were done with me, they would kill me. I testified against my friend to try to warn him and to get him away from these people...(407-Interview)

Returning to the Adjective Checklist data, the third cluster of scores represents a variety of Topical scales, measuring personal adjustment and perceptions of self-worth and satisfaction. These data indicate a fairly consistent picture of personal attributes and interpersonal interactions. Witnesses have a difficult time mobilizing their personal resources and initiating firm action. They are socially withdrawn, detached, skeptical, and prone to reject approaches by others. Such "loners" become socially disintegrated, hostile, and aggressive through a complex cycle of misperceptions and rationalization. For example, witnesses often misperceive other persons as stronger and more powerful, partially as a result of the distance they prefer to maintain in personal relationships. These misperceptions are bolstered by constant fault-finding and erroneous attributions that support the interpretation that relationships are not worth the psychological effort. Ironically, witnesses with these traits may be viewed by others as strongly opinionated and forceful. This complex sequence of withdrawal, misperception, and denial ultimately instill deeper feelings of alienation and reinforce the presence of rationalizations.

I don't associate with my family. What they don't know won't hurt them...(201)

Insight into their own behavior is largely missing.

My head is not on straight...I can't sort it all out...how I got in. I'm not a hard-core gangster. I never planned to stay. I got money, and didn't get my family away. (112)

It is interesting to note that this group of respondents scores rather highly on the Counseling Readiness scale, suggesting a desire to break out of this vicious cycle and attempt a more complete and satisfying life.

I wanted assurances from the Program...my wife was pregnant at the time. This was a major contributing factor in my decision, in changing my life...

[I was involved in] lots of senseless killing...I became saturated with the killing. I realized that innocent people were being killed, for a feeling of importance, being 'wanted.' You end up killing others of the same caliber [as you]...and justify it. You soon realize that all people you've killed are innocent. I realized I didn't have the right to take a life. Earlier I wasn't ready. I had to get to that place. (407)

The Transactional Analysis scales are most directly related to well-known clinical psychological interpretations, characterizing interactions based upon a "parent/child" model of behavior. Scores from the sample of witnesses are consistent with the profiles described above. Depressed scores on Adult scales and elevated scores on Child scales suggest that these witnesses cling to egocentric, subordinate childhood roles; the data also reveal that these individuals are socially withdrawn, and do not easily adapt to adult demands and responsibilities. As a tactic to avoid the effects prolonged stress and turmoil brought about by adult expectations, they tend to seek refuge in fantasy and denial.

The final cluster of traits, the Origence-Intellectence scales, are designed to measure the interplay of creativity and intelligence. The overall profile is quite high on academic and intellectual scales.

Individuals also score highly on scales measuring inventiveness and resourcefulness. This adaptability has a negative side to it, though, since it also implies a tendency to be easily influenced by illogical concerns. In short, while the mix of intelligence and creativity serves these witnesses in the short-run, often by enhancing their ability to appear at ease in social interaction, other traits inhibit an ability to perceive the long-term consequences of such actions.

The big fees and fast fees come easily. You close your eyes to what they're doing...as long as you're not involved. I progressed into [more serious crimes]... Eventually, I was trapped by my own doing...I was a facilitator...never a king, but a good king maker... If a Senator is corrupt, it is his responsibility...(208)

Interview items and data from witnesses' official records also shed light on other psychological issues, such as motivations for involvement in organized crime and witness attitudes about themselves and the Witness Security Program.

On the topic of organized crime involvement, witnesses cited environmental and neighborhood influences (41%), prison and business associations (26%), but admitted less often to the attraction of organized crime as a desirable lifestyle and as a vehicle to gaining power (8%, 3%, respectively).

I've been in the Program 11 months. I was recruited into organized crime from prison. The organization's strength came from prison. I could survive with that group, and escape the racial killings in [deleted] prisons...(410)

Interestingly, witnesses provide distinct interpretations when asked why others become involved in organized crime:

Other people get involved in organized crime perhaps because they like to kill...they use the group as a vehicle for that power trip...(410)

Attributions of the involvement of other witnesses in organized crime activities consisted of a combination of situational pressures and personality characteristics (23%), a desire for the lifestyle (19%), and the lure of power (19%). Environmental factors such as neighborhood, prison, and business associations were seen as less important factors.

Attitudes toward the control and containment of organized crime were divided among those who felt that such activities can be stopped altogether (21%) or, if not stopped, at least impeded (48%). On the question of what containment strategies might be successful, the respondents listed improvements in the Witness Security Program (22%), an increased use of infiltration by undercover agents (13%), the use of tactics which create imbalance and internal strife among organized crime groups (13%), a broader understanding of witnesses' dilemmas (9%), and a more effective use of informants (6%) and the RICO statute (6%).

D. Development of Protected Witness Typology and Protocols

The presentation and discussion of the results thus far have focused on the entire sample as an entity in an effort to provide a typical picture of the characteristics of the group studied in this first feasibility effort. A resounding theme which emerged during interviews with witnesses was that the government bureaucracy is not always sensitive to the individual personalities and problems of witnesses. Some research methods risk missing important individual differences among persons when aggregating the data to present an overview of those studied. Thus, the following section shifts from general descriptions of the entire sample to discussion of the discovered patterns among the data. The objective is to surface the underlying dimensions and explain the patterns or clusters observed.

The typology likely to benefit the widest law enforcement audience is one which describes the characteristics of protected witnesses, and which spells out techniques for dealing with those who either have "turned," or who might be logical candidates. Law enforcement officials with varied objectives could benefit from the development of such a taxonomy. One group of consumers includes personnel and officials of agencies charged with witness protection program responsibilities, such as the Federal Bureau of Prisons, the Office of Enforcement Operations, and the U.S. Marshals Service. The typology will assist in guiding their decisions on admissions, witness relocation, witness adjustment potential, and the need for specialized treatment. Another group that could benefit from this taxonomy includes prosecutors and others whose

involvement with protected witnesses centers on the delivery of credible trial testimony. The third group is composed of investigators and intelligence agents and analysts who seek to convert organized crime participants into witnesses against organized crime. For example, if reliable characteristics are identified, such officials could review information about potential witnesses to determine the presence of such characteristics and to focus conversion efforts.

Extensive work on offender classification has been done; Megargee and Bohn(1979) have noted that "for over a hundred years, behavioral scientists from several disciplines have been formulating typologies to categorize juvenile delinquents and adult offenders."³¹ In developing this typology, the Megargee-Bohn review of the literature on typology development was examined. At first glance, several schemes that they described appeared useful since they classified offenders along dimensions that paralleled the problem of protected witnesses: the need for mental health counseling, readiness for placement into the community, extent and degree of dangerousness, presence of psychopathology, and prison staff/inmate relationships. However, only those typologies based on criminal career patterns, or on the basis of degree or deviance, mentioned organized crime offenders and even those offered little by way of realistic offender classification and treatment modes. Thus, no empirically-based system was found to relate directly to the protected witness.

Despite the absence of classification schemes based on empirical

data collection and testing, an intuitive approach to characterizing the organized crime protected witness was uncovered. That scheme was presented as part of a Federal Probation Service workshop on strategies for supervising the Witness Security Offender.* A workshop paper noted:

The typical WITSEC individual who is under Federal supervision is most likely to be a white male with a prior criminal record and whose involvement in an offense was not necessarily central but was still substantial.³²

The WITSEC offender is generally a conspiratorial offender, which can be divided into three categories: (1) an organized crime (sic) figure, (2) the "con-artist", and (3) the public corrupt/corporate offender.³³

Because the workshop primarily dealt with WITSEC offenders who were on probation, the categorization scheme dealt with those crimes that may be committed while under supervision, and the ease with which these individuals may be supervised and integrated into the community. Due to this focus, there are many difficulties with this classification approach. There is considerable overlap among the categories, incompleteness in classifying the range of actual organized crime witnesses, ambiguity in the category definitions, and a vagueness in the implications for treatment of each of these three types (See Megargee and Bohm for a discussion of classification criteria).

Given the absence of a useful typology on protected witnesses, the data collected in this study on prisoner-protected witnesses were examined for the purposes of developing a taxonomy.

1. Discussion of Steps in the Development of the Typology

Due to the large number of variables and the relatively small sample size, a series of statistical procedures was undertaken to refine

the variables to a manageable number. (The procedure of factor analysis was used as a powerful and sensitive method for reducing a large number of variables to a smaller set of underlying dimensions. Appendix B discusses these procedures and the series of analyses performed.)

Briefly stated, factor analysis is a technique which identifies patterns that occur when large numbers of variables are examined simultaneously. It identifies these patterns by creating artificial dimensions, called factors, which are strongly related to the grouping of several of the actual variables. These dimensions or factors are unique and do not overlap. Numbers (called factor loadings) are computed which reflect the correlation between each variable and each factor. Loadings represent the contribution each variable makes to the created dimension. Often, the factors are given labels. Typically, these analyses are presented as matrices in which the column headings represent the factors and the entries reflect the correlations. In the analyses presented here, the important numbers (those with a loading of .45 or greater) are underlined. The researchers task is to examine the variables which make up each independent factor and articulate the meaning of the factor grouping of variables (Babbie, 1983).

Overall, successive interim analyses were conducted to reduce the large number of variables, and to search for patterns among the three sets of variables--Individual Differences, Structural Factors, and Psychological Attributes. Variables with significant explanatory power were submitted for these preliminary analyses. Table 9 presents the initial variables and the designated variables emerging from the reduction procedure.

 Insert Table 9 here

Following three interim analyses, a major analysis was performed to identify witness types using the variables that emerged from the three sets.

As seen in the Table, initial analyses of each of the three groups of variables successfully reduced their number. The Individual Difference variable list was down from 23 to 10, the Structural list from 11 to 8, and the Psychological Attributes from 18 to 17.

Before moving to the results from the major analysis, it is important to look briefly at the results of the three interim analyses. Because law enforcement often has only fragmentary information on witnesses already admitted to the Program, or on prospective witnesses who are being considered as targets vulnerable to conversion, a discussion of the observed patterns restricted to the kinds of partial information available to law enforcement will assist their efforts.

Table 9

Variables Selected for Inclusion in the Factor Analyses
 on Individual Differences, Structural Factors, and
 Psychological Attributes

| <u>Initial Variables</u> | <u>Designated Variables</u> |
|---------------------------------|-----------------------------|
| <u>Individual Differences</u> | |
| Race | Age |
| Age | Period of Employment |
| Education | Health |
| Period of Employment | Family Criminal Hist. |
| Health | Age-Juvenile Conv. |
| Family Criminal History | Total Arrests |
| Number of Dependents | Type Organized Crimes |
| Age-First Juvenile Conviction | Period Crim. Activity |
| Number of Juvenile Convictions | Opiate use |
| Age at First Adult Conviction | Cocaine use |
| Total Number Prior Arrests | |
| Total Number Prior Convictions | |
| Type of Organized Crimes | |
| Period of Criminal Activity | |
| Armed Robbery | |
| Aggravated Assault | |
| Fraud | |
| Heroin Violations | |
| Weapons | |
| Racketeering | |
| Opiate use | |
| Marijuana use | |
| Cocaine use | |
| <u>Structural Factors</u> | |
| Organized Crime Affiliation | Affiliation |
| Witness Rank | Involvement |
| Period of Involvement | Scope |
| Scope of Group | Reltnshp to Defndnt. |
| Threat Assessment | Homicide, Robbery |
| Reason for Involvement | Heroin Violations |
| Relationship to Defendants | Min. Incarceration |
| Homicide, Armed Robbery Viol. | Max. Incarceration |
| Heroin Violations | |
| Minimum Incarceration | |
| Maximum Incarceration | |
| <u>Psychological Attributes</u> | |
| Number Checked | Favorable |
| Favorable | Communality |
| Communality | Need Order |
| Need Order | Need Affiliation |
| Need Affiliation | Need Abasement |
| Need Abasement | Need Succorance |
| Need Succorance | Need Deference |
| Need Deference | Need Dominance |
| Need Dominance | Need Exhibition |
| Need Exhibition | Need Aggression |
| Need Aggression | Couns. Readiness |
| Counseling Readiness | Pers. Adjustment |
| Personal Adjustment | Mil. Leadership |
| Military Leadership | Adult |
| Adult | Free Child |
| Free Child | ATwo |
| ATwo | AThree |
| AThree | |

2. Interim Analysis of Individual Difference Data

The first analysis, conducted only on the set of individual difference variables, indicated that four separate factors were present to explain the relationships among these variables. Table 10 shows those significant variables and their factor loadings.

 Insert Table 10 here

Factor 1 (Organized Crime Information) is comprised of organized crimes, the duration of organized criminal activity, and an absence of a history of cocaine use. The clustering of the variables of type of crime and length of criminal involvement readily suggested this Factor label. The strong negative relationship between this factor and prior cocaine use is more difficult to interpret. This arrangement of variables is interpreted to mean that the long-time members of organized crime groups perceive those individual with history of cocaine usage to be unreliable and unstable; while these cocaine users are accepted as part of the group's business associates, they not fully integrated with respect to the group's internal operations. Of course, the negative factor loading may be simply a function of this particular sample.

The second Factor (Self-Assessment) is made up of typical background information, such as age, legitimate employment history, and health. Note that this dimension shows a negative loading with the type of organized crime activity variable, which contributed positively to Factor 1. This cluster of variables suggests that for some persons the decision to become a witness involves an assessment of the witness' prospects for transition to a legitimate lifestyle after breaking away

Table 10
 Individual Difference Variables and Their Categorization
 into Factors based on the Prisoner-Witness Sample

| Variable | Factor 1 | Factor 2 | Factor 3 | Factor 4 |
|-----------------------|-----------------------------------|--------------------------|-------------------------------|--------------------------------|
| | Organized Crime Information | Self- Assess- ment | Family Criminal History | Witness Criminal History |
| Age | .25908 | <u>.57098</u> | -.19768 | .16015 |
| Period of Employment | -.19891 | <u>.63485</u> | -.24306 | -.08979 |
| Health | -.02919 | <u>.67486</u> | .29664 | -.01281 |
| Family Crim. History | -.15353 | -.06099 | <u>.86508</u> | .07595 |
| Age-Juv. Conviction | -.03890 | -.07571 | .36253 | <u>.69939</u> |
| Total Arrests | .05126 | .07707 | -.02397 | <u>.87562</u> |
| Type Org. Crimes | <u>.54165</u> | -.43196 | .07768 | .34851 |
| Period Crim. Activity | <u>.61817</u> | .29953 | .27643 | .02290 |
| Opiate Use | .28045 | -.04222 | <u>.55065</u> | .17226 |
| Cocaine Use | <u>-.85548</u> | .12511 | .15245 | .08262 |

from the type of organized crime activities that once supported his criminal way of life. Factor 3 revealed still another independent set of variables, relating to the Witness' Family's Criminal History, and to the witness' history of opiate usage. Witnesses who come from a family tradition of criminal behavior, and who have a history of heroin involvement, may be vulnerable to law enforcement appeals. Factor 4 (Witness Criminal History) consisted of the total number of adult arrests and age at first juvenile conviction. Witnesses with extensive familiarity with the criminal justice system who enter the Witness Security Program are motivated predominantly by a desire to reduce the prison sentence being faced. What is interesting here is the finding that this factor, which many people believe is the all-encompassing witness motivation, is only one of four factors.

3. Interim Analysis of Structural Variables

A second preliminary analysis was performed on the structural variables, again with the dual aims of data reduction and pattern identification. These data are presented in Table 11.

Insert Table 11

By looking at the way the numbers relate highly only to one factor, and not others, a reasonable interpretation of the data can be advanced. Two variables measuring the range of prison sentence lengths constitute this first factor labeled Prospective Prison Time; these relate to Factor 4 of the preceding analysis. The pattern discovered reinforces the traditional wisdom that some witnesses "turn" simply as a means of reducing their prison sentences. However, the existence of the other three factors suggests that additional explanations of witnesses' behavior deserve attention by law enforcement. For example, on Factor 2 (Organized Crime Information) the organized crime group to which the witness belongs, the scope of the group's activities, and convictions for heroin violations comprise a unique set of characteristics. This arrangement of variables resembles Factor 1 in the analysis of individual difference variables. A third structural Factor (Risk Assessment) consisted of homicide and armed robbery offenses engaged in by the witness, and was moderately related to the witnesses' relationship to the defendant. This factor resembles an earlier discussion (pp.55-56) of organized criminals who are on the threshold of more serious crimes reflecting upon their relationship at that juncture

Table 11
Structural Factors and their Loadings

| Variable | Factor 1 | Factor 2 | Factor 3 | Factor 4 |
|------------------------------------|-------------------------------|-----------------------------------|--------------------|--------------------------------|
| | Prospective Prison Time | Organized Crime Information | Risk Assessment | Time Conceptual- ization |
| Group | | | | |
| Affiliation | -.26758 | <u>.64475</u> | .18757 | .16678 |
| Period of Involvement | -.04000 | .04495 | -.06257 | <u>.49715</u> |
| Scope of Group | .08459 | <u>.70368</u> | -.18688 | .05617 |
| Relationship to Defendant | -.04504 | -.36076 | <u>.44810</u> | -.04913 |
| Homicide, Armed Robbery | .28862 | -.06979 | <u>.83841</u> | -.06814 |
| Narcotics- Heroin Violations | -.05655 | <u>.59931</u> | -.30388 | -.08320 |
| Minimum Incarcersion | <u>.79200</u> | -.01865 | .29968 | <u>.51737</u> |
| Maximum Incarcersion | <u>.85563</u> | -.07915 | .07760 | -.24650 |

with the prospective defendants against whom they would be asked to testify. Factor 4 (Time Conceptualization) consisted of the period of time the witness was involved with organized crime, and the minimum time he faces in prison. What may underly these variables is a heightened realization and sensitivity to the passage of time, whereby witnesses assess their time investment in prior criminal activities against the prison time that will most likely result. It should be noted for this group of analyses that these last two factors discussed are less strong in the analysis since the eigen values dropped below 1.0 (See Appendix B).

4. Interim Analysis of Psychological Attributes

The third analysis was conducted exclusively on the Psychological Attributes. Table 12 shows the the variables included and their significant relationships. (As seen in Appendix B, these factors proved to be the strongest among the three analyses performed.)

 Insert Table 12 here

Factor 1 (Aggressive-Assertive) presents a type of witness who is dominant and aggressive, and one who is unlikely to defer to others. They are reluctant to admit to weakness, human frailties, vulnerabilities, or to the need for counseling and therapy. The highest loading is on Free Child Scale, which depicts this witness type as impulsive and impatient with delays and impediments. The second factor (Well-Adjusted) is in many ways the mirror-image of witnesses described by Factor 1. This category of witness is characterized by a freedom from anxiety and an enjoyment of affiliating with others. A sense of purpose and confidence, and an absence of visible psychopathology, help carry this witness through difficult emotional times. The factor is negatively related to aggression. The third factor (Rationality) contains the variables Order, Military Leadership, and Adult; those with negative loadings were Abasement and Succorance. The grouping of variables suggests a third psychological dimension in which witnesses value predictability. They are able to accept responsibility for actions, but in return for adhering to these tenets, they insist on receiving their "just deserts".

Table 12.
 Psychological Attributes and their Factor Loadings

| Variable | Factor 1 Aggressive- Assertive | Factor 2 Well- Adjusted | Factor 3 Rational | Factor 4 Confidant |
|-------------------------|--------------------------------------|-------------------------------|----------------------|-----------------------|
| No. Favorable | .20452 | .69773 | .39949 | .47464 |
| Communality | -.10382 | .25950 | .03857 | .75171 |
| Need Order | -.29619 | .00231 | .70428 | .30838 |
| Need Affiliation | .12565 | .89242 | .15615 | .29121 |
| Need Abasement | -.67905 | .31737 | -.48740 | .01497 |
| Need Succorance | -.50983 | -.02199 | -.73855 | .19004 |
| Need Deference | -.71915 | .49406 | .17789 | .08715 |
| Need Dominance | .83548 | .07229 | .18161 | .18818 |
| Need Exhibition | .86395 | -.13200 | -.27933 | -.04371 |
| Need Aggression | .69005 | -.57102 | -.16897 | .00665 |
| Counseling Readiness | -.82206 | -.30752 | -.09035 | -.10959 |
| Personal Adjustment | .17865 | .71903 | .41229 | .32973 |
| Military Leadership | .13533 | .08277 | .57291 | .79447 |
| Adult | -.00234 | .30727 | .82597 | .37525 |
| Free child | .91298 | .07702 | -.08046 | -.16980 |
| A-Two | .21611 | -.27713 | -.49000 | -.06329 |
| A-Three | -.23293 | .60924 | -.08915 | -.03828 |

Factor 4 (Confidant) was also composed of the Military Leadership component, but the variables of Communality and Favorable contributed to this factor as well. This witness type chooses and sticks to a chosen course of action, and his commitment is supported by a favorable self-image. This confidence enables the witness to view others as allies rather than as adversaries. For protected witnesses, this is a valuable trait to possess. The lack of rigidity found for this witness type resembles Factor 2 witnesses; both of these personality types may be more open to suggested changes, such as treatment, or counseling.

5. Construction of a Prisoner-Witness Typology and Suggested Protocols

This typology and discussion of suggested protocols for dealing with different witness types is designed for use by investigators, intelligence analysts and agents, and prosecutors who face the difficult tasks of identifying potential candidates for conversion and developing effective approaches tailored to them. The information available to them on potential targets is likely to be intermittent and incomplete; consequently, those seeking to "turn" organized crime participants will not have access to fully developed background histories, documentation on group affiliation and activities, or psychological analyses. Recognizing these very real limitations, the typology and suggested protocols have been constructed so that any of the key words and interpretations which correspond to information contained in intelligence files or other relevant enforcement documents point to approaches worth trying. The typology identifies the characteristics of four witness types; the protocols highlight both the advantages these traits present for successful conversion of organized crime participants, and the areas of resistance likely to be encountered in attempts to influence a target's behavior.

While the preliminary classification of witnesses based upon the Individual Difference, Structural, and Psychological Attributes analyses raises some interesting questions. One final analysis exploring the interrelationships among the most useful of the 35 variables from these three analyses was performed. (See Appendix B). This analysis was designed to assess the relative importance of variables in the creation of independent factors which could be discussed as basic witness "types." These data are presented in Table 13.

Table 13
Relationships Among the Variables Obtained From
The Preliminary Analyses and Factor Loadings

| | Factor 1 | Factor 2 | Factor 3 | Factor 4 |
|--------------------------------|----------------|----------------|---------------|---------------|
| Cocaine Use | .23784 | .06029 | <u>.88255</u> | -.30191 |
| Scope of Group | -.02956 | -.10037 | .01188 | <u>.63406</u> |
| Narcotics-Heroin Violations | .18978 | .00926 | -.10795 | <u>.73184</u> |
| Minimum Incarceration | <u>-.54561</u> | .43193 | -.02212 | -.03527 |
| Number Favorable | <u>.96644</u> | .01782 | -.10161 | .17641 |
| Communality | <u>.50439</u> | -.05573 | .25853 | .29053 |
| Need Affiliation | <u>.92457</u> | -.08024 | .09062 | -.07849 |
| Need Abasement | -.00959 | <u>-.58583</u> | <u>.65968</u> | -.00227 |
| Need Succorance | -.26328 | -.26504 | <u>.76345</u> | .15169 |
| Need Deference | .35885 | <u>-.80019</u> | .20098 | -.00130 |
| Need Dominance | .37994 | <u>.72924</u> | -.36698 | -.03265 |
| Need Exhibition | -.03788 | <u>.90126</u> | .01871 | -.17203 |
| Need Aggression | -.35779 | <u>.83590</u> | -.06474 | .04414 |
| Counseling Readiness | <u>-.49700</u> | <u>-.66979</u> | .12067 | .27775 |
| Personal Adjustment | <u>.86457</u> | -.02784 | -.16787 | .01558 |

Factor 1 is contributed to heavily by the psychological variables of the Number of Favorable Adjectives Checked, Communality, Need Affiliation, and Personal Adjustment. The factor is negatively related to Counseling Readiness and Minimum Incarceration.

Interpreting this particular pattern of variables, we conclude that Factor 1 witnesses do not have markedly abnormal psychological profiles. These persons are well-adjusted and possess strong, favorable self-images. The powerful contribution of Need Affiliation suggests that it is the interaction with others, and the availability of a reference group with which these individuals identify and feel secure that provide a source of satisfaction. Despite the advantages these witnesses have in being sociable and confident, they are not especially reflective nor do they desire to change. This conclusion is based on the negative contribution of Counseling Readiness: These persons are skilled at repressing any self-doubts. As a result, such persons are superficially at ease with themselves and are not subject to intense anxiety.

Suggested Protocols for Factor 1 Witnesses

Working to the advantage of those who seek to develop witnesses is the finding that these individuals have strong affiliative needs, and that they derive considerable strength from group allegiance. One tactical approach to these organized crime participants is for the law enforcement agent to emphasize the fickleness of criminal organizations, and to detail instances of betrayal that have occurred among criminal associates who were once closely-knit. These remarks should be followed

by a discussion which stresses the inability of any of the individual's support groups to accomplish what the switch to the government's side provides: Membership on a "team" whose members are loyal. Thus, key words in this exchange between agent and target include "group acceptance," "belonging," "expendable" and "fall guy," and "feeling of importance."

While affiliation needs work to the government's advantage in approaching these likely candidates, there are at least two areas of resistance that will be encountered. One is the individual's lack of any extensive self-reflection and motivation to change. This means that the individual who perceives himself to be well-adjusted is not practiced in articulating insights into his own behavior, and the agent or official will be required to do much of the interpreting of the implications of certain courses of action.

The second area of resistance comes from the abundance of self-confidence. Self-image influences behavior and motivation to a large extent and a potential witness' high level of self-confidence will interfere with persuasive attempts. In fact, extreme levels of confidence can lead these individuals to reject the attempt, or change in a direction opposite from what was sought or intended (Wrightsmen, 1977). To avoid eliciting this type of reaction, the agent must convey that the target has retained the freedom to reach his own decision, and that his self-confidence remains intact. This witness is best approached through a series of brief interactions, each of which gradually introduces the idea of "turning", and each of which relies more on emotionally laden appeals than on logically-based arguments. This sequence of sessions should also be designed to convey to the

prospective witness the strong need for his lead role in the successful outcome of the investigation.

Factor 2 shows a different clusters of variables. As indicated by contribution of Dominance, Exhibition, and Aggressive needs, these witnesses are assertive and dominant. This factor is negatively related to Abasement and Deference. To this type of witness, control is important, and manipulation is a tactic commonly employed to achieve their goals. Organized crime participants described by this arrangement of variables are impulsive, impatient with delays, and seek immediate satisfaction of their desires. They are skilled in social techniques. This person seeks attention by others, but because of the strong tendency to view others warily, with mistrust, and to perceive them as rivals, most of this witness' interrelationships are competitive in nature. This factor contains an element of Machiavellianism.

Suggested Protocols for Factor 2 Witnesses

Considerably greater resistance to persuasive appeals is present in the Factor 2 witnesses. However, there are present characteristics which help to predispose these individuals to successful conversion efforts. Control and attention-seeking behaviors are primary concerns to this witness, and the interaction between agent and target is likely to be marked by a power struggle. The observed witness traits can be turned to the agent's advantage. For example, allowing the prospective witness to engage in limited controlling behaviors, such as setting the time and location of the meeting, gives the target decision-making power which helps him avoid the feeling of weakness or impotence.

This strategy also instills the feeling of control. As another example, characterizations of the target's contribution as instrumental, invaluable, and of the target as the "brains" of the entire investigation reinforces his perception of control. It must be recognized that these ingratiating power strategies are risky, in that the balance of power may shift irretrievable to the side of the target if too many or too powerful tactics are employed.

Because witnesses described by Factor 2 are impatient, impulsive and unable to defer gratification, the agent may capitalize on these traits. By stressing short term aspects, the immediacy of the need to obtain the information, or pressing deadlines, the agent may appeal to the witness' typically short-range focus. Key words and phrases for this witness type are "power," "control," "self-reliance," "others are weak," "others are infatuated within me."

The areas of resistance in Factor 2 witnesses stem from their skill in social interactions, their accuracy in perceiving the intentions of others and in spotting influence attempts, and the tendency to view others as objects to be manipulated. These traits produce a wariness and mistrust of other person since these types expect others to behave with a manipulative intent and motivation matching their own. To counter such awareness and built-in resistance, the agent can: 1) Use assertive, confrontive tactics, such as threats, demands, and the expression of anger; 2) Avoid attempts to achieve identification and empathy, and focus instead on allowing the target the opportunity to "save face"; 3) Avoid rational, balanced and logical arguments and instead try one-sided, emotional appeals, which stress status and authority; 4) Make repeated references to the present and immediate

situation, and avoid requests for reflection on reasons for past behavior or speculation of future action; 5) stress that the decisions, (even the insignificant ones) are the targets' alone, and try to get him to restate any ideas or conclusions so that he perceives them in this way.

Factor 3 reveals a witness type dominated by lengthy history of cocaine use, and possessing the traits of Need Abasement and Succorance. These persons appear to be the mirror image of Factor 2 witnesses. Their egos are fragile, and they respond poorly to stress. Because of these traits, this individual is not likely to enter into many interpersonal relationships, except for criminal ones; he is not the type of person typically sought for advice by group members, and may be characterized as something of a "loner." They are followers, not leaders. This witness will have few conflicts with authority figures, partly because he tends to view others as stronger.

Suggested Protocols for Factor 3 Witnesses

A very different approach is needed for Factor 3 witnesses than for Factor 2 types. Assertive, confrontational tactics are likely to push these individuals into a hostile position that undermines the existing advantages to the agent seeking to influence the target.

Those advantages include the prospective witness' feelings of inferiority and inadequacy, his vulnerability to threats and stressful situations, and his perceptions of others as stronger, including the agent. In addition, these persons show little drive or motivation, they exhibit conventional thought, except for their criminal activities, and

they tend to view situations as limited to "either-or" choices. These traits suggest an approach in which promises, not threats are used, and in which rational, logical arguments are advanced or employed. For example, a careful presentation of information, an offer of compromise positions, the description of a plan for proceeding, should all be effective tactics. These persons respond to the situation in which favors and personal sacrifice on the part of the agent create the opportunity for repayment by the target as a device for him to obtain desired approval from the agent. The high degree of cocaine use indicates a dependency, nondominance, and adaptability. The expression of sympathy, of understanding reasons for feelings of alienation and withdrawal and efforts to individuate (to stress the person's unique aspects) these witnesses should be effective approaches. While these tactics may be important initially, at subsequent sessions the agent could introduce mild doses of fear and emotional appeals. The key words for this witness type are "a cause," "recruitment into a militaristic-type of organization," "loner," "heavy cocaine use."

The Factor 4 witness is described only by the scope of his criminal organization and incarceration for heroin offenses. It is interesting to note in this regard that as successive factors are extracted from these variables, the contribution of personality characteristics exert less of an influence. This witness is likely to have a large criminal network, perhaps developed through contacts made while previously incarcerated. While interpretation here is less straightforward than with the other three factors, this fourth factor describes those in large-scale heroin enterprises. Glimpses of this type of witness can be drawn from the recent trial testimony of Leroy (Nicky) Barnes, concerning the decision by the "council" to kill several suspected informers. The stated reason for Barnes' testimony was revenge:

"...[Barnes] had grown angry in prison because his former partner ...had become intimate with 'one of [his] women' and because the councils' members had failed to pay bills for him.³⁴

Suggested Protocols for Factor 4 Witnesses

This factor somewhat resembles Factor 1 witnesses, in the sense that betrayal is a motivation; the difference lies in the fact that Factor 1 witnesses seek group affiliation for psychological needs, while Factor 4 witnesses rely on others, such as suppliers, and corrupt police officers, out of a business necessity. What may partially explain the difficulty in interpreting this factor is that as a statistical procedure, factor analysis begins with extracting the best factor, and

CONTINUED

1 OF 2

each subsequent factor pulled out of the analysis accounts for less of the variance. The first three factors explain 91 percent of the variance, so that Factor 4 only accounts for the remaining 9 percent. Future research studies which plan to increase the sample size will assist in determining whether this fourth Factor is an independent and valid witness category.

VI. CONCLUSION

This report focuses on two major aspects of protected witnesses in organized crime enforcement. The empirical data collected and analyzed focuses on one segment of the witness population --prisoner-protected witnesses. The first aspect examines the issues surrounding the protection of individuals who testify against former criminal associates and the problems such protection generates.

The second aspect explores certain of the empirical data for the development of a typology of witness traits and motivations. Building upon these observed characteristics, protocols have been constructed. They are grounded upon psychological techniques and approaches tailored to the witness types found.

The two aspects of this report are related in that if predictable attitudes and behaviors are associated with distinct types of protected witnesses, such findings are relevant for officials of programs with witness security responsibilities and for law enforcement agents. Even if one wishes to dispute the finer interpretations and implications presented here, the data show that very different approaches are called for from both groups of officials.

The validity of any classification scheme rests on its ability to correctly describe persons who were not part of the group from which the typology was derived. Toward this end, two related tasks are needed. The first is an expansion of this data collection effort to include an assessment of attitudes and characteristics of the other witness population in the Witness Security Program --relocated witnesses. This goal may be difficult to achieve due to the problems of collecting accurate data on relocated witnesses while ensuring the security of such

people and their families. Responsible Witness Security Program officials expressed initial reservations about the maintenance of security for relocated witnesses when approached about data collection. Data collection may, however, be facilitated by the demonstration in this feasibility study that sound empirical research is possible with security-sensitive witnesses. This may be persuasive to those who originally doubted the feasibility of even the limited, original, study effort. Extension of this research effort is essential to achieve the kinds of comparisons desired by Witness Security Program officials.

One of the stated goals of the Organized Crime Research Program is to develop collaborative social science-law enforcement research efforts. A crucial correlative of that task is the dissemination of results to both communities. This research effort was designed in cooperation with Witness Security Program officials and the survey results on the attitudes held by interviewed protected witnesses are being conveyed to those officials. Conclusions from these data are valuable to such officials because they offer insight into how protected witnesses perceive the operation of the Program. Regardless of whether views expressed by the respondents are based on real events or on their perceptions of those events, their global feelings about the Program and the behaviors they exhibit will follow from these attitudes. The suggestion is that these perceptions be considered in the formulation of policy, but not that they dictate immediate and sweeping changes.

Collection of empirical data on relocated witnesses is also required for the further development of the witness typology. Although

most relocated witnesses have been incarcerated, and probably share characteristics with the prisoner-witness population, research is needed to confirm or refute that belief. Because of the sample size in this study, there were statistical restrictions on the number of factors that could be extracted from the data and on the contribution of each factor in describing the patterns among the variables. Further research would expand the typology and refine the protocols. The protocols at this stage are designed to enhance the approaches of law enforcement to the development of witnesses. Further research and the testing of suggested approaches with these distinct types of witnesses will enable law enforcement to adopt a more proactive posture in their organized crime programs.

FOOTNOTES

1. See R.W. Davis, Policy Implications of Employing Protected Witnesses in Organized Crime Enforcement, Paper presented at the American Society of Criminology, Toronto, Canada, November 5, 1982. (Hereinafter Policy Implications).
2. For example, see J. Thibaut and L. Walker Procedural Justice: A Psychological Analysis (New York: John Wiley and Sons, 1975); J.L. Tapp and S.L. Levine, eds., Law, Justice, and the Individual in Society: Psychology and the Law (New York: Holt, Rinehart and Winston, 1977); G. Bermant, C. Nemeth, and N. Vidmar, eds., Psychological and Legal Issues (Lexington, Mass: D.C. Heath and Co., 1976); H. Toch, ed., Psychology of Crime and Criminal Justice (New York: Holt, Rinehart, and Winston 1979).
3. For exceptions to this statement, see: E. Stotland, "White Collar Criminals," Journal of Social Issues 33(4) (1977): 179-96; D.R. Cressey, Other People's Money (Glencoe, IL: The Free Press, 1953); R.F. Meir, and G. Geis, "The White Collar Offender" in Toch, Psychology of Crime and Criminal Justice, 427-43; E.H. Sutherland, The Professional Thief (Chicago: Univ. of Chicago Press, 1937), and H. Edelhertz, Manual on White Collar Crime (U.S. Department of Justice: 1970).
4. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Organized Crime. Washington D.C., 1967, at 19.
5. U.S. Department of Justice, Office of Enforcement Operations data.
6. Report of the Committee on Governmental Affairs, U.S. Senate Permanent Subcommittee on Investigations, Witness Security Program, Dec. 14, 1981, at 1. (Hereinafter, Witness Security Program.)
7. The Office of Enforcement Operations was created in 1979 to administer special programs, including the Witness Security Program, particularly following a 1977 review by a committee created by the Deputy Attorney General (Senate Hearings before the Permanent Subcommittee on Investigations, 96th Cong., 2d Sess., December 15, 16, 17, 1980, at 6. (Hereinafter, 1980 Hearings))
8. 1980 Hearings, 5.
9. Report of the Witness Security Program Senate Hearings, U.S. Department of Justice, Report of the Witness Security Program Review Committee (Draft 1978), reprinted in Witness Protection Program: Hearings before the Subcommittee on Administrative Practice and Procedure of the Senate Subcommittee on the Judiciary, 95th Cong., 2d Sess. (1978), 277-278. (Hereinafter, 1978 Hearings)
10. 1978 Hearings, 91-92
11. 1980 Hearings, 226.
12. Administrative Office of the U.S. Courts, "Supervising the WITSEC Offender," Materials for the Training Seminar, Salt Lake City, Utah, August 17-19, 1982.
13. Organized Crime Research Program Proposal, National Institute of Justice Grant to Temple University Law School, Oct. 1980, p.2.
14. F. Graham, The Alias Program. (Boston: Little, Brown and Co., 1977).
15. Witness Security Program, 7, 9.
16. 1978 Hearings, Appendix C, 1-4.
17. The 1972 case, elaborated upon in the Review Committee Report 1978 Hearings, 294), involved the murder of Daniel La Polla from an explosive device in his residence in Connecticut, while receiving funds from the U.S. Marshals and while under protection by the Bureau of Alcohol, Tobacco and Firearms.
18. 1978 Hearings, 306.
19. The second survey involved the distribution of 500 questionnaires to witnesses under protection as of August 1977. Similar procedures guaranteeing anonymity were followed, producing a 29% response rate. More detailed comparisons than these are not possible due to difference in characteristics of samples in surveys 1 & 2 in the response rates, and survey procedures.
20. 1980 Hearings, 20.
21. 1980 Hearings, 25, 39.
22. 1980 Hearings, 9.
23. 1980 Hearings, 13.
24. 1980 Hearings, 127.
25. The Denver Post, Dec. 16, 1981, p. 7B.
26. 1978 Hearings, 333.
27. Davis, Policy Implications.
28. I wish to thank Mr. Edwin Steir for his insights during several discussions on this topic.

29. Appendix A presents a detailed description of the specific research obstacles confronted and overcome in this study. Also discussed are the issues of the representativeness of the selected prisoner sample, the problems with subject-volunteer characteristics, the development of the survey instrument, and the selection of the personality inventory checklist.
30. Criminal codes developed by the Administrative Office of the U.S. Courts, and those developed for a pilot study on sentencing Guidelines in Philadelphia, 1976, were used to classify offense data. Occupational codes were adapted from the National Data Programs for the Social Sciences Codebook, Chicago: National Opinion Research Center, 1976, University of Chicago.
31. Megargee, E.I. and Bohn, M.J. Classifying Criminal Offenders. Beverly Hills, CA: Sage Publications, Volume 82, 1979.
32. Note 12, p.2
33. Note 12, p.4
34. "Barnes Recalls Votes to Murder Drug Informers", New York Times October 19, 1983, B4.
35. Discussions are underway for comparative research to be undertaken with relocated witnesses.

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APPENDIX A

Important Lessons Learned from the Study of Protected Witnesses

Subject Selection

The research study originally sought to examine data on the Witness Protection Program through personal interviews with protected witnesses, sponsoring attorneys, U.S. Marshals, and various other program officials. Initial plans called for the conduct of pilot interviews with eight to ten witnesses, and with attorneys and officials, to refine the subject matter, wording, and order of survey interview questions for all three questionnaires. For the witness group, a stratified random sample of 100 witnesses was to be selected to represent different attributes of the variables of length of time in the Program, type of organized crime group affiliation, position within the organization, and reasons for seeking protection. Because of concerns over anonymity and security, selected witnesses were to be brought to neutral sites for interviewing. Similar stratification and interview techniques were to be used with the other two respondent groups. These interviews were included to permit important cross-group comparisons, particularly on questions of the value and impact of the Program, on the perceptions of problem areas and causes.

This rather traditional social science research approach rapidly dissolved under the heat of very serious concerns, some of which assume startlingly significant dimensions. For example, selecting a random stratified sample of witnesses requires for security reasons, that interviews take place in geographically distant locations that are

untraceable to witness' relocated sites. The price tag for such a study could reach astronomical figures. In addition to costs resulting from security needs is the substantial investment when using random selection and stratification; while these techniques help to maintain research purity, the attendant costs far exceed most research grant funds. In this study, even the alternative approach of random selection of subjects from lists divided into geographical areas (as in cluster sampling in survey research) proved too costly. In times of restricted and shrinking law enforcement budgets, the transportation of witnesses to neutral sites for the sole purpose of conducting research interviews is not possible. Yet, employing a less expensive method runs the risk of violating standard research techniques, on the one hand, and potentially risking lives of protected witnesses on the other. Making these and other concessions on research design raised the possibility that the data and conclusions derived from them might result in policies that endangered the lives of future witnesses seeking protection.

Thus, in this study, the focus on prisoner witnesses was felt to strike a balance between abandoning the project and the alternative of going forward at risk to the witness-subjects. This approach was not without its own complications, which centered on the possibility of distinct but unknowable differences arising in two ways: the distinction between prisoner and relocated witnesses, and the potential differences between the prison sample interviewed and other prisoner-protected witnesses.

Until specific research provides future data on relocated witnesses,³⁵ and on additional prisoner-protected witnesses, we can only

generally surmise what these differences might be. Distinctions shrink when we realize that prisoner-witnesses are candidates for relocation upon their release (except those serving life sentences), and that many prisoner witnesses were formerly relocated. Thus, data collected on this group contain useful insights applicable to a broader witness population.

The question of the representativeness is less easily dealt with when drawing inferences from the sample interviewed to the population of prisoner-protected witnesses. Potential biases during subject selection have been considered at some length by survey researchers measuring public attitudes, and by researchers conducting laboratory experiments with human subjects in more traditional areas of psychology. Because subject recruitment is a concern in most research endeavors, we are able to address these issues through an existing body of empirical literature, most notably in the work on volunteer subjects by Rosenthal and Rosnow (1975). Their cogent review of research on the topic contains a classification of important characteristics most reliably associated with the tendency to volunteer for research. The question of immediate interest in the present study is whether those who volunteered are somehow unique in the prisoner-protected witness population, thus skewing the interpretation of the present data. It appears from the research that volunteers tend to be more approval-motivated and confident than non-volunteers. Somewhat weaker associations, although reliable nonetheless, suggest that volunteers score highly on scales measuring arousal-seeking, unconventionalism, and nonconformity. Where possible, the present data should be examined for the possible influence of these variables in an effort to detect the existence and direction of

any bias. In a broader context, the research findings on volunteerism generally may shed light on protected witnesses who have volunteered to provide information to authorities.

Instrument Development, Interview Procedures, Validity and Reliability

Items for the survey instrument were the result of extensive review of all Senate hearings and reports on the Witness Protection Program, and from pertinent books and news articles. Initially, three questionnaires were developed, for use with relocated, prisoner witnesses, and with Program officials and U.S. Marshals. When the scope of the study was narrowed, the instrument was developed exclusively for the prisoner respondents. The final instrument is the product of three revisions, two of which were based on discussions with Department of Justice officials, other law enforcement persons, and the National Institute of Justice Project monitor. Final revisions of content, wording, and item placement were the product of pilot testing on 8 prisoner-witnesses.

An integral part of the interview data was the collection of personality-trait data. To enhance these data, the use of a standard test was incorporated, after a thorough review of the major personality test inventories for an appropriate instrument (Buros, 1972, Vols. 1 and 2). The search was for one that was valid, reliable, that broadly measured relevant areas such as aggression, anxiety, self-esteem, and interpersonal relations, that was relatively straightforward in administration, and that did not rely upon an excessive number of items or on items which might be viewed by the respondents as simplistic or

irrelevant. From the hundreds of tests available, the choice was narrowed to the Personality Research Form, California Personality Inventory, Multiple Affect Adjective Checklist, FIRO-B, and Gough and Heilburn's Adjective Check List (ACL). This latter test was found to meet all or most of the stated criteria and presented the following advantages over the other inventories:

- o The ACL's recent expansion from 24 to 37 scales which closely relate to the interview items would assist in validating the survey data;
- o The test is easy to administer, requiring only 20 minutes for respondents to describe themselves by selecting from 300 adjectives on forms which may be computer-scored;
- o The individual scales are constructed by analyzing adjectives selected as well as those not chosen. This helps to lower acquiescence and social desirability biases;
- o Once scored, the standardized scale scores may be interpreted through personality profiles, and compared with normative samples gathered on adults, psychiatric patients, and others.

As a tool in assessing important personality traits of protected witnesses, this particular instrument was felt to provide valuable preliminary insights.

Caution must be used in analyzing the results in light of the possibility for deceptive interview responses, biased entries in file documents, and spurious personality profiles. Deception and concealment are finely honed skills among many criminals in general, and among many non-traditional offenders. Because of the potential for bias in the collection of interview data and in the completion of the personality scale, several validity checks were made. The validity of the interview information was assessed by comparing responses, where possible, with the file data (See Yochelson, 1976, 97-98 on obtaining valid life histories from criminals). The personality-trait data from the

Adjective Check List was checked for spuriousness through a calculation of certain scale items designed to detect bogus inventories. For all witnesses who were administered the Checklist, valid results were obtained.

APPENDIX B

Factor Analysis as a Method in Developing
Typologies of Protected Witnesses

Factor analysis is a complex statistical procedure which examines the relationships among large numbers of variables and extracts the contribution of each variable to underlying factors. The dimensions that are created on the basis of the contribution of each variable are theoretical, and unobserved. Consequently, factor analysis works in a reverse direction in that it constructs factor scores or variables that are not observed from those variables or scores that are known and obtained in the research study (Moser and Kalton, 1972).

Factor analyses begin by examining the complex interrelationships among the variable scores through a process of calculating correlations. These correlations are placed into a matrix, which summarizes all the observed relationships among all possible pairs of scores. Through one of several available procedures, the matrix is "rotated" or examined for common factors or dimensions which can be "extracted" and which account for all of the observed relationships. The product of this procedure is the calculation of factor scores or "loadings" which indicate the contribution or importance of the variable to the factor. Interpretation of these factors is guided by a comparison of variables' loadings or contribution to the factor. The researcher examines the size of the loading, its direction (positive, negative, zero), and the eigen value (which is a measure of the variance accounted for by a given factor).

A series of factor analyses was performed in this study to assist in narrowing down the large number of variables. This was required because of the sample size. Analyses were conducted on each of the three major categories of data, and finally, on the major factor analysis.

Two factor analyses of the 23 Individual Difference variables were required to obtain a list of variables with factor loadings above .45 and without negative eigen values. The final list and relevant statistics are shown in Table 14.

A similar procedure was used for the reduction of Structural and Psychological Attribute variables. Tables 15 and 16 present these data. Finally, Table 17 contains the relevant data on the major factor analysis which was the product of four separate compute runs.

Table 14
Factor Analysis of the 10 Individual Difference
Variables^a and the Relevant Statistics^b

| Variables | Factor | Eigen Value | Percent Variance | Cumulative |
|----------------------|--------|-------------|------------------|------------|
| Age | 1 | 2.486 | 24.9 | 24.9 |
| Length Employed | 2 | 1.899 | 19.0 | 43.9 |
| Health | 3 | 1.810 | 18.1 | 61.9 |
| Family | 4 | 1.336 | 13.4 | 75.3 |
| Criminal | 5 | .734 | 7.3 | 82.7 |
| History | 6 | .686 | 6.9 | 89.5 |
| Age-First | 7 | .398 | 4.0 | 93.5 |
| Juvenile | 8 | .249 | 2.5 | 96.0 |
| Conviction | 9 | .220 | 2.2 | 98.2 |
| Total Prior Arrests | 10 | .182 | 1.8 | 100.0 |
| Type Criminal Activ. | | | | |
| Period Criminal Act. | | | | |
| Opiate Use | | | | |
| Cocaine Use | | | | |

^a The statistics in this table relate to the Factors, not to the specific variables.

^b Note that only four factors were discussed since the eigen values beyond that number dropped below 1.0. Subsequent analyses asking for a greater number of factors were not possible to interpret meaningfully.

Table 15
Factor Analysis of^a 8 the Structural Variables
Emerging from Two Prior Analyses and Variance
Accounted for^b

| Variables Included | Factor | Eigen Value | Percent Variance | Cumulative Percent |
|--------------------------------|--------|----------------|---------------------|-----------------------|
| Organized Crime Affiliation | 1 | 2.138 | 45.2 | 45.2 |
| Period of Involvement | 2 | 1.288 | 27.2 | 72.4 |
| Scope of Group | 3 | .762 | 16.1 | 88.6 |
| Relationship to Defendant | 4 | .540 | 11.4 | 100.0 |
| Homicide,- Armed Robbery | | | | |
| Heroin Violation | | | | |
| Minimum Incarceration | | | | |
| Maximum Incarceration | | | | |

^a The statistics in this table relate to the factors extracted, not the specific variables.

^b Note that although Factors 2 and 3 dropped below an eigen Value of 1.0, they were presented in the text since the goal of this study was exploratory in nature.

Table 16

Factor Analysis of the 17 Psychological
Attributes Variables Emerging from
One Prior Analysis and Percent of
Variance Accounted for.

| Variable | Factor | Eigen Value | Percent Variance | Cumulative Percent Variance |
|----------------------|--------|----------------|---------------------|-----------------------------------|
| Number Favorable | 1 | 5.424 | 41.0 | 41.0 |
| Communality | 2 | 5.050 | 38.1 | 79.1 |
| Need Order | 3 | 1.813 | 13.7 | 97.8 |
| Need Affiliation | 4 | .956 | 7.2 | 100.0 |
| Need Abasement | | | | |
| Need Success | | | | |
| Need Deference | | | | |
| Need Dominance | | | | |
| Need Exhibition | | | | |
| Need Aggression | | | | |
| Counseling Readiness | | | | |
| Personal Adjustment | | | | |
| Military Leadership | | | | |
| Adult | | | | |
| Free Child | | | | |
| A Two | | | | |
| A Three | | | | |

Table 17

Factor Analysis^a of the 15
Variables Emerging from Four
Prior Analyses and Variance Accounted For

| Variable | Factor | Eigen Value | Percent Variance | Cumulative Variable Percent |
|--------------------------|--------|----------------|---------------------|-----------------------------------|
| Cocaine Use | 1 | 4.655 | 31.0 | 31.0 |
| Scope of Group | 2 | 4.052 | 27.0 | 58.0 |
| Heroin Violation | 3 | 1.964 | 13.1 | 71.1 |
| Minimum Incarceration | 4 | 1.437 | 9.6 | 80.7 |
| Favorable | 5 | .681 | 4.5 | 85.3 |
| Communality | 6 | .523 | 3.5 | 88.7 |
| Need Affiliation | 7 | .508 | 3.4 | 92.1 |
| Need Abasement | 8 | .300 | 2.0 | 94.1 |
| Need Succorance | 9 | .246 | 1.6 | 95.8 |
| Need Deference | 10 | .206 | 1.4 | 97.2 |
| Need Dominance | 11 | .181 | 1.2 | 98.4 |
| Need Exhibition | 12 | .107 | .7 | 99.1 |
| Need Aggression | 13 | .063 | .4 | 99.5 |
| Counseling Readiness | 14 | .045 | .3 | 99.8 |
| Personal Adjustment | 15 | .030 | .2 | 100.0 |

^a The statistics relate to the factors, not to the specific variable.

^b Note that only four factors are discussed in the text since they remain above an eigen value 1.0.

END